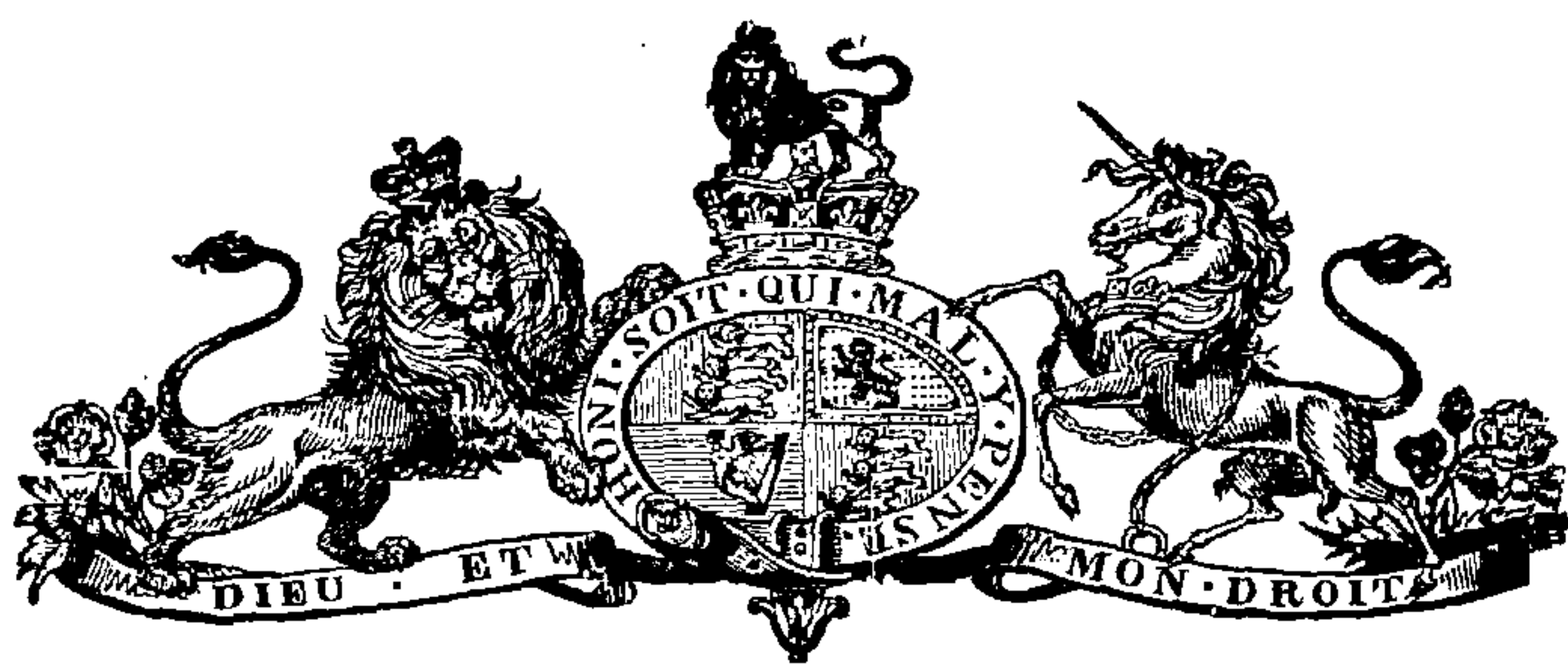




ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clxxxviii.

An Act to separate the *Middle Level* from the *Bedford Level* Corporation; to transfer the Powers and Duties of the *Nene* Navigation Commissioners to the *Middle Level* Commissioners, and to provide for Payment of the Debt secured on the Navigation Tolls; to repeal the Barrier Banks Acts; to amend the *Middle Level* Acts, and to incorporate the *Middle Level* Commissioners; to amend and enlarge the Powers of Commissioners acting under District Acts in the *Middle Level*; and for other Purposes.

[29th July 1862.]

WHEREAS according to a Law of Sewers made at *King's Lynn* in the Sixth Year of *Charles* the First (1630) *Francis* Earl of *Bedford*, in such Manner and to such Extent as thereby appears, undertook the Drainage of the Great Level of the Fens (since commonly called and in this Act referred to as the *Bedford Level*) situate within the Counties of *Northampton*,
[*Local.*] 30 X *Norfolk*,

Middle Level Act, 1862.

Bedford
Level Cor-
poration
General Act
15 C.2. c.17.

*Norfolk, Suffolk, Lincoln, Cambridge, and Huntingdon, and the Isle of Ely, and particularly bounded and described in the Act next hereinafter recited, and he was to have for his Recompence Ninety-five thousand Acres of Land within the Bedford Level (being about One Third Part thereof), with convenient Highways and Passages to the same, and the new Rivers, Cuts, and Drains to be made by the said Earl and his Assigns, and the Banks of the same, and the Forelands in the Inside of the said Banks, not to exceed Sixty Feet in Breadth; and the said Earl afterwards agreed with certain other Persons to become Participants or Adventurers with him in the said Undertaking, and the said Earl and his Son and Heir Earl William and their respective Participants or Adventurers performed the said Undertaking, and were adjudged to be entitled to and put in possession of the said Ninety-five thousand Acres of Land, which lie dispersed throughout (some Portion thereof being situate within each Parish and Place in) the Bedford Level, and the same are commonly called and known as "Adventurers Lands," the Residue of the Fen Lands in the Bedford Level being, by way of Distinction, called or known as "Free Lands:" And whereas by the Act of the Fifteenth Year of Charles the Second (1663), Cap. 17, intituled *An Act for settling the Draining of the Great Level of the Fens called Bedford Level*, it was, among other things, enacted, that the said William Earl of Bedford, and the Adventurers and Participants of the said Earl Francis and Earl William, or either of them, their Heirs and Assigns, should be a Body Corporate by the Name of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens (in this Act called the Corporation), with Power to sue and be sued, and without Licence of, Mortmain to purchase Lands and Hereditaments as therein mentioned, and Goods and Chattels, and dispose thereof in the Name and to the Use of the Corporation, and to lay Taxes upon the Adventurers Lands only for the Support, Maintenance, and Preservation of the Bedford Level, and do all other Things in order to the Support, Maintenance, and Preservation of the Bedford Level, and Works made and to be made; and for the Maintenance and Preservation of the Bedford Level by convenient Outfalls to Sea the Corporation were made and constituted Commissioners of Sewers for and of the Bedford Level, and were empowered from thenceforth to exercise the Powers of Commissioners of Sewers within and of the Works made and to be made without the Bedford Level for conveying the Waters thereof by convenient Outfalls to Sea, and no other Commissioners of Sewers were to intermeddle within the Bedford Level, or with any Works made within or without the Bedford Level for the Maintenance or Preservation thereof; and the Corporation was empowered from Time to Time to erect any new Works within or without the Level for conveying the Waters of the Level by convenient Outfalls to Sea, and was not to be*

liable

Middle Level Act, 1862.

liable to Damages for any Breaches of Banks, and the Works of the Adventurers and Corporation were to be without Prejudice to Navigation : And whereas the following Acts were afterwards passed with respect to the Corporation ; (that is to say,)

Other Corporation Acts.

The Act of the Twentieth Year of *Charles* the Second (1667), Cap. 8, commonly called the "Corporation Tax Act ;"

The Act of the First Year of *James* the Second (1684), Cap. 21, commonly called the "Inclosure Prevention Act ;"

The Act of the Twenty-ninth Year of *George* the Second (1755), Cap. 9, commonly called the "First Bond Act ;"

The Act of the Twelfth Year of *George* the Third (1772), Cap. 9, commonly called the "Second Bond Act ;" and

The Act of the Twenty-third Year of *George* the Third (1782), Cap. 25, commonly called the "Turf Act ;"

which several Acts, together with the first-recited Act, are in this Act referred to as the "Corporation Acts." And whereas the Act (Local and Personal) of the Fourth and Fifth Years of Queen *Victoria* (1841), Cap. 47, herein-after referred to as the "*King's Lynn* Port Act," contains Provisions relating to the Corporation : And whereas for the Purpose of performing the said Undertaking the *Bedford Level* was divided into Three Levels, respectively called the *North Level*, *Middle Level*, and *South Level*, and separate Works were made for the Protection and Drainage of each Level, and at a Court of the Corporation held on the Tenth Day of *March* One thousand six hundred and ninety-seven the *Middle Level* was defined as extending from the North Side of the *Old Bedford River* to the South Side of *Moreton's Leam* ; and the *Middle Level* is now and for many Years past has been protected from Inundation by the following Barrier Banks ; that is to say, towards the North or North-west by Banks called the *Great Bank*, extending from *Standground* in the County of *Huntingdon* to the Public House called *The Ball* in the united Parishes of *Whittlesea* in the County of *Cambridge* ; and the *Great South Bank*, extending from the High Lands of *Whittlesea* to *Tower House* near *Guyhirn* in the said County of *Cambridge*, and respectively situate on the South Side of *Moreton's Leam* ; and towards the South or South-east by the Upper and Lower Divisions of the Barrier Bank, extending from *Salter's Lode Sluice* in the County of *Norfolk* to *Earith* in the County of *Huntingdon*, the Course of which Barrier Bank is as follows ; namely, from *Earith* to *Welche's Dam* on the North or North-west Side of the *Old Bedford River*, and from *Welche's Dam* to or near the *Thorntree House* on the South or South-east Side of the *Old Bedford River*, and thence transversely across the *Hundred Feet Washes* on the Northward Side of *Wellmoor Lake* to the *Hundred Feet River*, and thence along the North or North-west Side of that River to the River *Ouse*, and thence along the West Side of the River *Ouse* to *Salter's Lode Sluice* ;

King's Lynn Port Act.

Division of the Bedford Level into Three Levels.

Middle Level.

the

*Middle Level Act, 1862.*Outfalls of
each Level.Separation
of North
Level.Nene Navi-
gation Act.Wisbech
Canal Act.District
Acts.

the whole of which Banks, except that Part of the Lower Division which extends from *Salter's Lode Sluice* to the Northward End of the *Long Wash*, belonging to the Corporation, and comprised in the First Schedule hereto, belong to or are now maintained by the Corporation: And whereas the Lands specified in the First Schedule hereto are now and have been for many Years last past enclosed and protected by the Barrier Banks of the *Middle Level*, and the same drain into the *Old Bedford River*, and were included in the Act herein-after referred to as the *Second Middle Level Act* (1844): And whereas the Water drained from the *North Level* is discharged into the Sea by and through the *Nene Outfall*, and the Water drained from the *Middle Level* and *South Level* is discharged into the Sea by and through the *Ouse Outfall*: And whereas by the Act of the Twenty-seventh Year of *George the Second* (1753), Cap. 19, commonly called the "*First North Level Act*," and by the "*North Level Act, 1857*," and by certain Acts therein recited or noticed relating to the Drainage of the *North Level* and to the Improvement of the Outfall of the River *Nene*, all the Powers and Duties of the Corporation so far as concerned the *North Level*, which in the said Act is described or referred to as that Part of the *Bedford Level* which lies between the North Side of *Moreton's Leam* and the South Side of the *Welland River*, were in the first instance partially superseded, and ultimately, together with the Revenues and Estates received and held by the Corporation for the Use or Purposes of the *North Level*, transferred to and vested in the *North Level Commissioners*: And whereas by the Act of the Twenty-seventh Year of *George the Second* (1753), Cap. 12, herein-after referred to as the "*Nene Navigation Act*," certain Persons were constituted Commissioners (commonly known and in this Act referred to as *Nene Navigation Commissioners*), with Power to levy Tolls and borrow Money on the Security thereof, and apply the same in scouring out, cleansing, widening, and deepthening the River *Nene* and certain other Rivers and Drains in the *Middle Level*, and in making Haling Ways, and in repairing Damages done to the Banks by haling thereon, and in other Works not prejudicial to Drainage: And whereas the Act of the Thirty-fourth Year of *George the Third* (1794), Cap. 92, herein-after referred to as the "*Wisbech Canal Act*," contains Provisions relating to the *Nene Navigation Commissioners*: And whereas divers Public and Local and Personal Acts of Parliament (the Dates and Titles whereof respectively are set forth in the Second Schedule hereto), and which are commonly known and in this Act are referred to as "*District Acts*," have from Time to Time been passed for improving the Drainage of divers Districts in the *Middle Level*, the general Scope and Object of which Acts are the Appointment of separate Commissioners for each District, with Powers to assess Taxes upon all the Fen Lands, as well "*Adventurers*"

Middle Level Act, 1862.

turers" as "Free," in such Districts respectively, and to raise Funds and make and erect Engines and other Works for the embanking, draining, or improving the Fen Lands within such Districts respectively, which Drainage Works are known and distinguished as "Internal Works," and are in general limited to the raising or otherwise more effectually discharging the surplus Water from the Lands in such Districts respectively into the natural Rivers or arterial or main Channels, Cuts, or Drains of the *Middle Level*: And whereas by several Local and Personal Acts, commonly known as the "*Eau Brink Acts*," and by the "*Ouse Outfall Act, 1860*," certain Owners of Fen Lands in the *Middle Level* and *South Level* and adjacent Parts were constituted Commissioners (commonly called "*Eau Brink Commissioners*"), with Power to lay Taxes on all the Fen Lands in the *Middle Level* and *South Level*, as well "Adventurers" as "Free," and upon certain contiguous Lands, and to raise Funds and make a new Cut called the *Eau Brink Cut*, for straightening and improving the River *Ouse* above *King's Lynn*, and to contribute towards making a new Cut for straightening the said River below *King's Lynn*, and improving the Outfall thereof; and by the "*Ouse Outfall Act, 1860*," a Board called "Conservators of the *Ouse Outfall*" was constituted and incorporated, with Power to maintain and improve the Outfall by the River *Ouse* from the upper End of the *Eau Brink Cut* to open Sea; and by the same Act another Board called "the *Denver Sluice Commissioners*" was constituted (from Persons interested in Lands draining into the *Ouse* through or near to *Denver Sluice*) and incorporated, with Powers to maintain and improve the River *Ouse* for the Purposes of Drainage from *Denver Sluice* to the *Eau Brink Cut*: And whereas by Three several Acts, Local and Personal, herein-after referred to as the "*Middle Level Acts*," namely, the Act of the Fiftieth Year of *George the Third* (1810), Cap. 125, commonly called the "*First Middle Level Act*," the Act of the Seventh and Eighth Years of *Queen Victoria* (1844), Cap. 106, commonly called the "*Second Middle Level Act*," and the Act of the Eleventh and Twelfth Years of *Queen Victoria* (1848), the Short Title whereof is "*The Middle Level Drainage Amendment Act, 1848*," certain Owners of Fen Lands in the *Middle Level* are constituted Commissioners, commonly called *Middle Level Drainage Commissioners*, with Power to levy Taxes on all the Fen Lands in the *Middle Level*, as well "Adventurers" as "Free," and to raise Funds, and deepen, widen, and improve the natural Rivers and arterial Drainage Channels, Cuts, or Drains in the *Middle Level* (except in certain Districts called the *Sutton and Mepal* and *Manea and Welney* Districts), and to make a new Outfall Drain for the *Middle Level*, and other Works for improving and securing as well the Drainage thereof as the Navigation in and upon the navigable Rivers and Cuts previously or thereby made navigable; and in the last-mentioned Act Provision is made for the Drainage of

[*Local.*] 30 Y the

Middle Level Act, 1862.

the excepted Districts through the *Middle Level* by Agreement: And whereas by the several herein-before recited Acts, respectively called or known as the *Nene Navigation Act*, *District Acts*, *Eau Brink Acts*, *Ouse Outfall Act*, and *Middle Level Acts*, the Jurisdiction of the Corporation in regard to the Drainage of the *Middle Level* has been practically superseded, and especially so by the *Middle Level Acts*, whereby Provision was made for the much better and more efficient Drainage thereof than was contemplated or provided for by the Corporation Acts; and the Duties and Works now performed and kept up by the Corporation in the *Middle Level* are very limited: And whereas the Works of Drainage of the *Middle Level* and *South Level* are quite distinct, except only in regard to the Outfall, all the Works relating to the Maintenance and Improvement of which are now vested in the "Conservators of the *Ouse Outfall*:" And whereas the Corporation has not levied any Tax on the Adventurers Lands for several Years past, and the Rents and Revenues of the Corporation arising from the Banks, Forelands, Lands, and Hereditaments belonging to the Corporation within the *Middle Level* have during that Time been and still are more than sufficient for the Maintenance of the *Middle Level* Works now kept up by the Corporation, and it is just that the whole of those Rents and Revenues should be applied exclusively to *Middle Level* Works, and that as well for the more effectually securing the Application thereof accordingly, as also for the Purpose of removing the Inconvenience arising from the Existence of concurrent Jurisdictions in relation to the same Works, it is expedient that all Rivers, Cuts, Drains, and Works, and also all Banks, Forelands, Lands, and Hereditaments, of the Corporation, situate and being within the *Middle Level*, should be transferred to and vested in the *Middle Level* Commissioners, but with such Provisions for the Superintendence of Works within or affecting the *Sutton and Mepal* and *Manea and Welney* Districts as are in this Act contained; and it is also just, and the Owners of Free Lands within the *Middle Level* are willing, that upon such Transfer being made the Distinction between Adventurers Lands and Free Lands in the *Middle Level* should cease, and that the Adventurers Lands in that Level should not after the Commencement of this Act be liable to be taxed by the Corporation or by any other Body or Person under the Powers of the "Corporation Acts," or any or either of them; and it is expedient that the Powers conferred upon the Corporation by the *King's Lynn Port Act* should be transferred to the Conservators of the *Ouse Outfall*: And whereas under the Second *Middle Level Act* certain additional Tolls were granted to the *Nene Navigation Commissioners*, One Moiety of which additional Tolls they were directed to pay over to the *Middle Level Drainage Commissioners*; and by the same Act, after reciting that there was then due from the *Nene Navigation Commissioners* the Sum of Ten thousand Pounds borrowed on Security of

Middle Level Act, 1862.

of the Tolls, and also Twenty-three Years Interest thereon, and that the Tolls had been found inadequate to the Discharge of the Arrears of Interest, and after defraying the Expenses of collecting the same, and other necessary Charges, and of One Year's Interest, and of the official Salaries, the said Tolls had produced on an Average of the then last Seven Years an annual Surplus of less than Fifty Pounds, it was enacted, that the *Nene* Navigation Commissioners should by and out of their Funds pay and satisfy the Interest Monies when and as they should severally become due, and in preference to all other Payments, but that such Funds should not be applicable to the Discharge of the Arrears of Interest or of the Principal Sums, or any Part thereof, to a greater Amount than the Sum of Fifty Pounds *per Annum*: And whereas under "The *Middle Level* Drainage Amendment Act, 1848," a Portion of the Moiety of additional Navigation Tolls by the Second *Middle Level* Act ordered to be paid to the *Middle Level* Drainage Commissioners are made payable to the *Sutton and Mepal* Commissioners: And whereas the said Debt of Ten thousand Pounds and Thirty Years Interest still remain due, and since the passing of the Second *Middle Level* Act the *Nene* Navigation Commissioners have paid on an Average the yearly Sum of One hundred and thirty-three Pounds Two Shillings and Sevenpence or thereabouts only on or in respect of Works, and the yearly Sum of Three hundred and thirty-seven Pounds Eighteen Shillings and Elevenpence or thereabouts in the Collection of Tolls and Establishment Charges, and in Payment of legal and other Expenses: And whereas the *Middle Level* Drainage Commissioners have under their said Acts concurrent Jurisdiction with the *Nene* Navigation Commissioners in regard to the Works authorized to be done by the latter Commissioners for maintaining the Navigation under their Control, and by reason of the enlarged Powers and Funds of the *Middle Level* Drainage Commissioners their Jurisdiction is the more efficient, and for the avoiding of a Diversity and Conflict of Jurisdictions it is expedient that the *Nene* Navigation Act, so far as regards the Rights and Powers of the *Nene* Navigation Commissioners, should be repealed, and that such Rights and Powers, with the Tolls, Rights, and Property now vested in the *Nene* Navigation Commissioners, should, after the Commencement of this Act, be exercised by and be vested in the *Middle Level* Commissioners, and that such Provision should be made for Payment of the said Debt of Ten thousand Pounds, and the Arrears of Interest thereon, and for redeeming or purchasing up the same, and in respect of the Portion of Tolls payable to the *Sutton and Mepal* Commissioners, as are herein-after contained: And whereas it is expedient that certain Provisions in the *Middle Level* Acts should be altered and amended, and that the *Middle Level* Commissioners should be incorporated, and that additional Provisions in relation to the said Acts should be made: And whereas it is expedient

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expedient that the general Powers of the District Commissioners with regard to their Meetings and Proceedings, the Assessment and Recovery of Taxes, and to the Mode of assessing the Compensation for Lands taken or injured, should be made uniform; and that inasmuch as there are within the *Middle Level* divers Occupation Roads and Drove-ways which generally have not been gravelled, or are otherwise out of Repair, and for the Improvement or Repair whereof no Powers or Funds at present exist, it is desirable that the District Commissioners or the Proprietors of Lands not within any District should have such Powers conferred upon them in regard to the improving and repairing of Roads and Ways, not being public Highways, and for facilitating the Dedication thereof as public Highways, and to be thenceforth repaired and maintained accordingly, as are herein-after contained: And whereas Three several Acts (Local and Personal) were passed in the Fiftieth Year of *George* the Third (1810), namely, Cap. 46, Cap. 47, and Cap. 77, commonly called the "*Old Bedford* Barrier Bank Act, Upper Division," "*Old Bedford* Barrier Bank Act, Lower Division," and "*Moreton's Leam* Barrier Bank Act," and which Three Acts are herein-after referred to as the Barrier Banks Acts, but no Powers have been exercised or Duties performed under or by virtue of those Acts for a great Number of Years, and as Provision is by this Act made for the efficient Superintendence and Repair of the Barrier Banks it is expedient that those Acts should be totally repealed: And whereas the several Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

PART 1.—INTRODUCTORY PROVISIONS.

Commence-
ment of Act. 1. This Act shall commence and come into operation on the First Day of *October* One thousand eight hundred and sixty-two.

Short Title. 2. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Middle Level Act, 1862.*"

Same Mean-
ings to
Words in in-
corporated
Acts as in
this Act. 3. Except only as is by this Act otherwise provided, the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Interpreta-
tion of
Terms. 4. In the Construction of this Act the following Words and Expressions have the several Meanings hereby assigned to them,
unless

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unless there be something in the Subject or Context repugnant to such Construction :

1. "*Middle Level* Drainage Commissioners" means the Commissioners of Drainage acting previously to the Commencement of this Act under the Authority of the *Middle Level* Acts or any of them :
2. "*Middle Level* Commissioners" means the Commissioners of Drainage and Navigation acting or hereby authorized to act after the Commencement of this Act in execution of the *Middle Level* Acts and of this Act, so far as the same concerns the *Middle Level* Commissioners :
3. "*Nene* Navigation Commissioners" means the Commissioners acting under the "*Nene* Navigation Act :
4. "District Commissioners" means the Commissioners acting under some One or more of the several District Acts comprised in the Second Schedule to this Act :
5. "*Moreton's Leam*" means the original Cut or Drain called by that Name according to the Course or Site thereof as delineated upon the Map of the Great Level of the Fens made by Sir *Jonas Moore*, belonging to and now in the Possession of the Corporation :
6. "*Middle Level* proper" means such Part of the *Bedford Level* as is commonly called the *Middle Level*, and as lies between the original Cut or Drain called *Moreton's Leam* on or towards the North or North-west and the *Old Bedford River* on or towards the South or South-east, together with and including the Lands specified in the First Schedule hereto, and also the Beds of the said *Moreton's Leam* and *Old Bedford River*, and the existing Barrier Banks of or for the Protection of the *Middle Level*, now belonging to or maintained by the Corporation and herein-before described, and the front and back Forelands thereof :
7. "*Middle Level*" means the same as "*Middle Level* proper," exclusive of the *Sutton and Mepal* and *Manea and Welney* Districts :
8. "The Corporation" means the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, incorporated by the Act of the Fifteenth Year of *Charles* the Second :
9. "The *Sutton and Manea* Committee" means the Committee by this Act constituted for the *Sutton and Mepal* and *Manea and Welney* Districts.

PART 2.—AS TO THE SEPARATION OF THE MIDDLE LEVEL FROM THE
BEDFORD LEVEL CORPORATION.

5. All the Powers, Liabilities, Duties, Authorities, and Jurisdictions which immediately before the Commencement of this Act
[*Local.*] 30 Z were
- Transfer of Powers of the Corpora-

Middle Level Act, 1862.

tion over
Middle
Level and of
Drainage
Works to
Middle
Level Com-
missioners.

were vested in the Corporation under the Corporation Acts, or otherwise, over, and so far as they do not extend over or relate to the *South Level*, but not further or otherwise, shall be transferred to and vested in the *Middle Level* Commissioners to all Intents and Purposes, and shall and may, subject to the Provisions of this Act, be by them used and exercised as fully and effectually as they can now be used or exercised by the Corporation, and all Drainage or other Works which the Corporation are now liable to maintain within or for the Purposes of the *Middle Level* proper, together with all Ways, Roads, and Appurtenances, shall (subject to the Provisions of this Act) be transferred to, vest in, and be maintained by the *Middle Level* Commissioners.

Transfer of
Estates to
the Middle
Level Com-
missioners.

6. All Banks, Forelands, Drains, Sluices, Bridges, Tolls, Rents, Reversions, Rights of Soil, Herbage, Lands, Tenements, and Hereditaments whatsoever, now belonging to or vested in the Corporation, situate or being, issuing or accruing, within the *Middle Level* proper, (including all Lands, Tenements, and Hereditaments at or near *Guyhirn* in the Parish of *Wisbeach Saint Peter* now vested in or belonging to the Corporation,) and all the Rights, Easements, and Appurtenances belonging thereto, and all Benefit and Advantage thereof, shall be and become vested in the *Middle Level* Commissioners for all such and the same Estate and Interest, and subject to such Agreements or Leases, Liabilities, Claims, or Rights, if any, as the same were respectively vested in the Corporation or were subject to immediately before the Commencement of this Act; and the Rents, Issues, and Proceeds of the said Banks, Forelands, Herbage, Tolls, Lands, Tenements, and Hereditaments accruing due before the Seventh Day of *April* One thousand eight hundred and sixty-three shall be received and recoverable by the Corporation, and the Rents, Issues, and Proceeds thereof accruing due after the Sixth Day of *April* One thousand eight hundred and sixty-three shall be received and recoverable by the *Middle Level* Commissioners.

Powers of
Middle
Level Com-
missioners
over their
Properties
to extend to
Properties
transferred
to them by
this Act.

7. All and singular the Powers and Authorities of the *Middle Level* Commissioners in respect of any Drainage or other Works or Properties or Revenues vested in them previously to the Commencement of or by this Act, or in respect of any Rents now receivable or recoverable by them, shall extend and apply to, and be used, exercised, and enjoyed and applied by them to or in respect of, the Works, Properties, Revenues, and other Matters and Things transferred to or vested in them by this Act.

Owners in
the Middle
Level ex-
cluded from
the Corpora-
tion.

8. No Person shall be or act as a Governor, Bailiff, or Conservator, or vote at any Election of the Governor, Bailiffs, and Conservators, or otherwise act at any Meeting of the Corporation, in respect of any Lands within the *Middle Level* proper.

9. The

Middle Level Act, 1862.

9. The present Governor, Bailiffs, and Conservators of the Corporation shall continue and be qualified to act as such until the Election of Governor, Bailiffs, and Conservators which shall take place next after the Commencement of this Act; and at, from, and after such Election the Corporation created by the said Act of the Fifteenth Year of *Charles* the Second (1663), Cap. 17, shall consist of One Governor, Six Bailiffs, Ten Conservators and Commonalty; and Three hundred Acres or more shall be a sufficient Qualification for each Bailiff, instead of the Provisions of the said Act requiring Twenty Conservators, and Four hundred Acres or more for each Bailiff.

Present Governor, Bailiffs, and Conservators to continue until next Election.

10. So far as relates to Lands within the *Middle Level* proper, it shall not be necessary to enter any Lease, Grant, Conveyance, Will, or other Document with the Registrar or other Officer of the Corporation or of the *Middle Level* Commissioners.

Registry of Conveyances, &c. in *Middle Level* unnecessary.

11. In all Cases in which it is provided by any Act or Acts of Parliament now in force that any Works shall not be executed without the Consent or Approbation of the Corporation, the Corporation shall in every Case where any such Works exclusively relate to or affect the *Middle Level* proper, or any Part or Parts thereof, before consenting to the Execution thereof, give Notice in Writing to the *Middle Level* Commissioners of their Intention to consent to the Execution thereof, and if the said Commissioners shall be of opinion that such Works will be prejudicial to the *Middle Level* proper, or any Part or Parts thereof, they may appeal to the Board of Trade, and if in the Opinion of the Board of Trade, or of a Civil Engineer to be appointed by the Board of Trade to inquire into and report upon the Matter of such Appeal, such Works will be prejudicial to the *Middle Level* proper, or any Part or Parts thereof, then the same, or such Portion thereof as would in the Opinion of the Board of Trade prejudicially affect the *Middle Level* proper, or any Part or Parts thereof, shall not be executed without the Consent of the *Middle Level* Commissioners.

As to Cases where the Assent of the Corporation is now required to Works affecting the *Middle Level*.

12. All Books, Plans, Sections, Title Deeds, Documents, Papers, and Writings in the Possession of the Corporation or any of its Officers, which exclusively relate to or concern the *Middle Level* proper, or any Part thereof, or any Lands or Hereditaments of the Corporation wholly situate therein, shall be delivered up to the *Middle Level* Commissioners; and all Books, Plans, Sections, Title Deeds, Documents, Papers, and Writings which relate to or concern the *Middle Level* proper, or any Part thereof jointly with any other Part or Parts of the *Bedford Level*, may be retained by the Corporation or delivered up to the *Middle Level* Commissioners, as the Corporation

Books, &c. to be delivered up or inspected.

Middle Level Act, 1862.

poration think fit, but with full Liberty for the *Middle Level* Commissioners, if not so delivered up, or any Person or Persons they may appoint from Time to Time, to have free Access thereto, and to take Copies or Extracts therefrom, and to call for the Production thereof at all reasonable Times, on Payment of all reasonable Charges in respect thereof; and if the Corporation so require, the *Middle Level* Commissioners shall give to the Corporation an Inventory of and a Receipt in Writing for such of the Books, Plans, Sections, Title Deeds, Documents, Papers, and Writings as shall be so delivered up under the Hands of Three of the *Middle Level* Commissioners.

Corporation
Accounts to
be made up.

13. On the Sixth Day of *April* One thousand eight hundred and sixty-three a full and complete Account shall be made up and stated by the Corporation showing the Balance then due from or to their Receiver and Expenditor General, and such Account shall be credited with the Amount of all Rents, Revenues, and Monies then due to the Corporation, and shall be debited with all Sums of Money then due from the Corporation, and the Deficiency (if any) of such Account shall be raised and paid by the *Middle Level* Commissioners upon or out of the Funds and Property by this Part of this Act transferred to and vested in them, and by the Corporation out of the Funds and Property remaining vested in them, according to the Proportions in which previous to the passing of this Act the Adventurers Lands in the *Middle Level* proper and *South Level* respectively were chargeable to a single Adventurers Tax, and the Surplus, if any, shall be divided between the Corporation and the *Middle Level* Commissioners in the same Proportions.

The Adven-
turers Tax
to cease.

14. The Adventurers Lands lying within the *Middle Level* proper shall after the Commencement of this Act cease to be liable to be taxed by the Corporation, or by any other Body or Person under the Powers of the Corporation Acts, or any or either of them, but without Prejudice to the Rights and Remedies (if any) of the *Nene Valley* Drainage and Navigation Improvement Commissioners (in this Act called the *Nene Valley* Incorporated Commissioners) against the Corporation.

As to Claim
of the Nene
Valley Com-
missioners.

15. In case the Sum of Three hundred and twenty Pounds which the Corporation are liable to pay to the *Nene Valley* Incorporated Commissioners or their Successors shall not be paid on or before the Sixth Day of *April* One thousand eight hundred and sixty-three, then the said Sum shall forthwith be raised and paid in the like Manner and Proportions as any Deficiency on the Account to be then made up is herein-before provided and directed to be raised: Provided that nothing in this Act contained shall in any way increase, alter, or vary the Liability of the Corporation under the *Nene Valley* Acts, or any Award in pursuance thereof, or any of them.

16. The

Middle Level Act, 1862.

16. The *Middle Level* Commissioners shall keep a separate and distinct Account, to be called "the Adventurers Account," of all the Rents and Revenues, Income of Property or Hereditaments, and other Funds by this Part of this Act transferred from the Corporation to and vested in or made payable to the *Middle Level* Commissioners, and of their Application thereof; and such Funds shall and may be applied to the following Purposes in the Order of Priority herein-after expressed; namely,

Account to
be kept of
Funds trans-
ferred.

1. In paying the *Middle Level* proper Proportion of the Deficiency (if any) of the Corporation Account to be made up on the Sixth Day of *April* One thousand eight hundred and sixty-three:
2. In keeping in repair and insured against Loss or Damage by Fire the said Property and Hereditaments, or any of them, and in Payment of Taxes, Tithe Rentcharges, and other Outgoings and Expenses due from or payable by the Owners thereof, or otherwise in relation thereto:
3. In Payment to the Corporation of the Sum by this Act prescribed towards the Expenses of maintaining the *Hundred Feet River* and Works connected therewith:
4. In maintaining and supporting in an efficient State the Barrier Banks, Sluices, and Bridges of the *Middle Level* proper, which immediately before the passing of this Act were maintained by the Corporation, except *Welche's Dam Sluice* and such Sluices and Bridges as are in this Act specified as Works connected with the *Hundred Feet River*:
5. In Payment to the *Sutton and Manea* Committee of the annual Sum of One hundred and sixty Pounds on the Sixth Day of *April* in every Year, the First Payment thereof to be made on the Sixth Day of *April* One thousand eight hundred and sixty-four:
6. In providing a Reserve Fund, as herein-after directed:
7. And after answering the several Purposes aforesaid, any Surplus from Time to Time thereafter arising shall be transferred to the general Funds of the *Middle Level* Commissioners.

17. The *Middle Level* Commissioners shall, out of the Adventurers Account, pay annually to the Corporation the Sum of Two hundred and fifty Pounds (the First Payment whereof shall be made on the Sixth Day of *April* One thousand eight hundred and sixty-four), which Sum shall be applied by the Corporation towards the Maintenance by the Corporation of the *Hundred Feet River* and Works connected therewith, namely, the *Cradge Bank* from *Mepal Bridge* to *Welmore Lake Sluice*, the *Seven Holes Sluice*, *Welmore Lake Sluice*, the *Great Dyke-pen Sluice*, the Bridge over the *Old Bedford* and *Hundred Feet Rivers* at *Sutton Gault* and *Mepal*, *Sutton and*
[Local.] 31 A *Mepal*

Payment to
Corporation
in respect of
*Hundred
Feet River,
&c.*

Middle Level Act, 1862.

Mepal Causeways, and the *Great Dyke* across the *Washes*; and no Liability shall attach to the *Middle Level* Commissioners other than the said annual Payment of Two hundred and fifty Pounds in respect of the *Hundred Feet River* and the said Works connected therewith.

Sutton and
Manea Com-
mittee not to
be liable for
any De-
ficiency in
the Adven-
turers Fund.

18. Provided, That in no Case, whatever shall the *Sutton and Manea* Committee or the Commissioners of *Sutton and Mepal* District, or the Commissioners of *Manea and Welney* District, or the Owners or Occupiers of any Lands in the said Districts, be or hereafter be made liable for any Deficiency in the Funds of the Adventurers Account.

Provision
for the Main-
tenance of
Barrier
Banks, &c.

19. It shall be obligatory upon the *Middle Level* Commissioners to maintain and keep in an efficient State of Repair the Barrier Banks, Sluices, and Bridges of the *Middle Level* proper, which immediately after the Commencement of this Act are to be maintained by the *Middle Level* Commissioners; and in case the Funds arising from the Adventurers Account, together with the Reserve Fund then invested, shall in any Year be insufficient for that Purpose, then the Deficiency shall be advanced and paid by the *Middle Level* Commissioners out of their general Funds: Provided that the *Middle Level* Commissioners shall not be under any greater or other Liability in respect of a Breach of any Bank, Sluice, or other Work in the *Middle Level* proper than the Corporation was liable to immediately before the Commencement of this Act.

Provision
for Reserve
Fund.

20. The *Middle Level* Commissioners shall from Time to Time, when and so often as the Reserve Fund shall be less than Five thousand Pounds, invest and accumulate the Surplus of the Adventurers Account until the same shall amount to a Sum not less than Five thousand Pounds, and may, if they think fit, from Time to Time increase the same until it amounts to not exceeding Ten thousand Pounds as a Fund to be called the Reserve Fund, to be immediately applicable, in case of Need, to the Restoration and Maintenance or Repair of the Barrier Banks, Sluices, and Bridges of or for the Protection of the *Middle Level* proper, which after the Commencement of this Act are to be maintained by the *Middle Level* Commissioners; and every such Investment may be made in the joint Names of the Chairman and any Two Members of the *Middle Level* Board hereinafter constituted in or upon any of the Public Stocks or Funds or Government Securities of *Great Britain*, with Power for the Board to cause the same to be called in or converted, sold out, varied, or transposed at any Time or from Time to Time; and neither the Board nor the *Middle Level* Commissioners or their Treasurer shall be answerable for any involuntary Loss or Deficiency of or in the said Money, Stocks, or Funds.

21. It

Middle Level Act, 1862.

21. It shall be obligatory on the *Middle Level* Commissioners to maintain in an efficient State of Repair the Low Bank of the *Old Bedford River* from *Welney Bridge* to the *Old Bedford Sluice*. As to Low Bank of the *Old Bedford River*.

22. Inasmuch as the Owner of Lands numbered 11 in the First Schedule hereto, and which lately belonged to *John Gamble* deceased, is *ratione tenuræ* or otherwise liable, or reputed so to be, to maintain the Barrier Bank upon or near the said Lands next the *Hundred Feet River*, and as it is expedient that such Banks should be under the Control and Charge of the *Middle Level* Commissioners, therefore the *Middle Level* Commissioners and the Owner for the Time being of the said Lands may enter into a Contract or Agreement for the Maintenance by those Commissioners of the said Bank in consideration of the Payment by such Owner of such gross or yearly Sum, and upon such Terms and Conditions in other respects, as the Parties may mutually agree, and the Charge of maintaining such Bank shall, after any such Agreement, be placed to the Adventurers Account, and the same Account shall be credited with such gross or yearly Sum. Power to agree with the Owner of late J. Gamble's Land for Maintenance of Bank.

23. From and immediately after the Commencement of this Act the Powers and Duties granted to, vested in, or conferred upon the Corporation by the "*King's Lynn Port Act*" shall be transferred to and vested in the Conservators of the *Ouse Outfall* in the same Manner to all Intents as if the Conservators of the *Ouse Outfall* had been named in the *King's Lynn Port Act* instead of the Corporation; and the Conservators of the *Ouse Outfall* shall and may exercise all such Powers and Rights under or in relation to the *King's Lynn Port Act* as the Corporation could or might have exercised in case this Act had not been passed. As to Exercise of Powers under *King's Lynn Port Act*.

PART 3.—AS TO THE NENE NAVIGATION ACT.

24. From and immediately after the Commencement of this Act the several Sections of the *Nene Navigation Act* which are specified in the Third Schedule to this Act annexed are by this Act repealed, except only so far as is otherwise expressed in the same Schedule; provided that the Repeal thereof shall not have any retroactive Operation. Repeal of Part of *Nene Navigation Act*.

25. From and immediately after the Commencement of this Act, and except only as is by this Act otherwise expressly provided, the *Middle Level* Commissioners shall to all Intents represent the *Nene Navigation Commissioners* as if the *Nene Navigation Commissioners* and the *Middle Level* Commissioners had originally been and continued without Intermission to be one and the same Body; and the *Middle Level* Commissioners shall have and may exercise in their own Name Middle Level Commissioners to represent *Nene Navigation Commissioners*.

Middle Level Act, 1862.

Name all such Powers and Rights of Action as the *Nene* Navigation Commissioners would have and might exercise in their own Name if this Act were not passed.

Old Officers
to continue.

26. The Clerk, Treasurer, Collectors, and other Officers appointed by the *Nene* Navigation Commissioners shall, until removed by the *Middle Level* Commissioners, continue to hold and enjoy their respective Offices and Employments under them, together with the Salaries or Emoluments thereunto annexed, and shall have the like Powers and Authority for the Purposes of this Part of this Act and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if they had been appointed by the *Middle Level* Commissioners.

General
Saving of
Rights under
Nene Navigation Act.

27. Notwithstanding the Repeal of the Sections specified in the Third Schedule, and except only as is by this Part of this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the *Nene* Navigation Act shall be as valid as if the Repeal had not happened; and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Repeal had not happened and this Act were not passed would be incident to or consequent on any and every thing so done and suffered and confirmed respectively, save only as is by this Part of this Act otherwise expressly provided, and so that the Funds which previously to the Commencement of this Act were, or by the Second Part of this Act are, vested in the *Middle Level* Commissioners, shall not be subject or liable to any such Claims or Demands, nor shall the *Middle Level* Commissioners be personally liable thereto: Provided always, that the Generality of this Provision shall not be restricted by the other Provisions of this Act.

Convey-
ances, &c. of
Nene Navigation Com-
missioners to
remain.

28. Notwithstanding the Repeal, all Conveyances, Leases, Deeds, Contracts, Agreements, and other Instruments made or entered into before the Commencement of this Act to, with, or in favour of, or by, for, or on behalf of the *Nene* Navigation Commissioners or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with respect to the *Middle Level* Commissioners, and may be proceeded on and enforced accordingly, in like Manner to all Intents as if the Repeal had not happened, save only that where necessary the *Middle Level* Commissioners shall be substituted for the *Nene* Navigation Commissioners as representing them.

29. Notwith-

Middle Level Act, 1862.

29. Notwithstanding the Repeal, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the *Nene* Navigation Commissioners before the Commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the *Middle Level* Commissioners in the same Manner to all Intents as if the Repeal had not happened, save only that where necessary the *Middle Level* Commissioners shall be substituted therein for the *Nene* Navigation Commissioners as representing them.

Actions by
or against
the *Nene*
Navigation
Commis-
sioners not
to abate, &c.

30. Notwithstanding the Repeal, all Persons who immediately before the Commencement of this Act owed any Money to the *Nene* Navigation Commissioners, or to any Person on their Behalf, shall pay the same to the *Middle Level* Commissioners; and all Monies which immediately before the Commencement of this Act were owing by or recoverable from the *Nene* Navigation Commissioners, or for the Payment of which they were or but for the Repeal would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the *Middle Level* Commissioners out of or from the Tolls, Funds, and Property by this Part of this Act transferred to and vested in the *Middle Level* Commissioners, but not out of or from any other Funds or Property.

Debts due by
and to *Nene*
Navigation
Commis-
sioners to be
paid to and
by *Middle*
Level Com-
missioners.

31. Notwithstanding the Repeal, all Documents, Books, and Writings by the *Nene* Navigation Act directed or authorized to be kept, and which if the Repeal had not happened would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Books, &c.
continued
Evidence.

32. Notwithstanding the Repeal, and except only as is by this Act otherwise provided, all Penalties, Damages, Costs, and Expenses which if the Repeal had not happened would, under the *Nene* Navigation Act with respect to anything happening before the Commencement of this Act, be payable to or recoverable by any Person, shall after the Commencement of this Act be payable and recoverable as by this Act provided as if the Repeal had not happened, the *Middle Level* Commissioners being, where necessary, substituted for the *Nene* Navigation Commissioners as representing them.

Penalties to
be recover-
able.

33. From and immediately after the Commencement of this Act all the Buildings, Lands, Estates, Rights, Ways, Easements, Property, Tolls, Effects, Claims, and Demands whatsoever (if any) of or to which the *Nene* Navigation Commissioners were by virtue of the *Nene* Navigation Act, or otherwise howsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, or

Property of
Nene Navi-
gation Com-
missioners
vested in
Middle
Level Com-
missioners.

[*Local.*]

31 B

which

Middle Level Act, 1862.

which were vested in the *Nene* Navigation Commissioners, are by this Act vested in the *Middle Level* Commissioners as Part of their Undertaking and Property, but subject and without Prejudice to the Securities and Rights of Mortgagees of the Navigation Tolls.

Nene Navigation Commissioners to deliver their Books, &c. to the *Middle Level* Commissioners.

34. Within One Month after the Commencement of this Act the Persons who immediately before the Commencement of this Act were the *Nene* Navigation Commissioners shall deliver to the *Middle Level* Commissioners all the Minutes, Minute Books, Accounts, Account Books, and other Books, Deeds, Maps, Plans, Documents, Papers, and Writings whatsoever of the *Nene* Navigation Commissioners, and, if those Persons or any of them so require, the *Middle Level* Commissioners shall give to them or him an Inventory of and a Receipt in Writing for the same under the Hands of Three of the *Middle Level* Commissioners.

Deposit and Production of those Books.

35. The *Middle Level* Commissioners shall deposit and keep with their own Records the Minutes, Minute Books, Accounts, Account Books, Deeds, Maps, Plans, Documents, Papers, and Writings of the *Nene* Navigation Commissioners so delivered to the *Middle Level* Commissioners, and at all reasonable Times shall permit any of the Persons who immediately or at any Time within Three Years before the Commencement of this Act were *Nene* Navigation Commissioners, and their respective Agents authorized in Writing, to inspect and transcribe the same or any of them at the Place of Deposit thereof, and when requisite shall, at their respective Request, produce the same or any of them as Evidence in any Court of Law or Equity, or at the Expense of the Person making the Request elsewhere in *England*.

The *Middle Level* Commissioners to have the Management of the Navigation.

36. From and after the Commencement of this Act, but subject to the Provisions of this Part of this Act, the *Middle Level* Commissioners shall have the Superintendence of, and shall and may maintain, manage, and regulate, the Navigations which immediately before the Commencement of this Act were under the Superintendence of the *Nene* Navigation Commissioners, in the same Manner and subject and liable to the same Restrictions to all Intents and Purposes as the *Nene* Navigation Commissioners had or could have done if this Act had not been passed; and all Powers which under the *Nene* Navigation Act or otherwise were immediately before the Commencement of this Act vested in or could or might be exercised by the *Nene* Navigation Commissioners, or any Committee thereof, for the Preservation and Improvement of the said Navigations or in relation thereto, shall become and be vested in or may be exercised by the *Middle Level* Commissioners, or any Committee thereof in that Behalf appointed by and under or in accordance with the Provisions of this Act,

Middle Level Act, 1862.

Act, and the Provisions as well of the *Middle Level Acts* as of the *Nene Navigation Act*, and of the *Wisbech Canal Act*, remaining in force: Provided that the *Middle Level Commissioners* shall not be compellable to do any Act or Work for the Improvement of the Navigation upon the *Old Bedford River*, or upon that Part of the *Forty Feet River* or Drain which lies to the East of *Horseway Sluice*.

37. The *Middle Level Commissioners* shall keep a separate Account, to be entitled the "Navigation Account," of the Tolls, Rents, and other Income (if any) by this Part of this Act transferred to and vested in the *Middle Level Commissioners*, and shall yearly and every Year pay and apply the Monies to be received on such Account to the following Purposes and in the following Order; namely,

Application
of Naviga-
tion Tolls,
&c. until
Payment of
Debt.

1st. In Payment to the *Middle Level Commissioners* of the yearly Sum of Forty-five Pounds, which under the *Nene Navigation Act* was payable to the Corporation out of the Tolls collected at *Standground* and *Salthirn* otherwise *Salter's Lode Sluices*, and at the *Old Bedford Sluice*, in order to keep in repair the said Sluices and the Ebb Doors thereof:

2nd. In Payment to the *Sutton and Manea Committee* of so much of One Moiety of the net Amount of the additional Tolls granted by the Second *Middle Level Act* as shall be received at the *Old Bedford Sluice*, and which, under "The *Middle Level Drainage Amendment Act, 1848*," were made payable to the *Sutton and Mepal Commissioners*; and as to the Residue of such One Moiety of the said additional Tolls, to pay or transfer the same to the General Account of the *Middle Level Commissioners*:

3rd. In Payment to the General Account of the *Middle Level Commissioners* of the yearly Sum of Two hundred and fifty Pounds in full of and by way of Compensation for the Works by this Part of this Act transferred to the *Middle Level Commissioners*, and of the Establishment Charges of and in relation to the Superintendence and Preservation of the Navigation:

4th. In Payment to the Holders of the Mortgages or Securities on the said Tolls of so much and such Part of the Arrears of Interest due to them respectively as shall be sufficient to reduce the Arrear to Thirty Years up to the First Day of *January* One thousand eight hundred and sixty-two:

5th. In Payment of the accruing Interest from the First Day of *January* One thousand eight hundred and sixty-two on the Principal Sums for the Time being remaining due on Mortgages or Securities to the respective Holders or Persons entitled to such Mortgages or Securities respectively:

6th. And shall apply the Surplus in redeeming or paying off and discharging the said Mortgages or Securities.

38. If

Middle Level Act, 1862.

Application
after Pay-
ment of
Debt.

38. If and when and in case the said Sum of Ten thousand Pounds and all Arrears of Interest thereof shall become fully paid under the Provisions of this Part of this Act, then the *Middle Level* Commissioners shall apply and dispose of the Navigation Tolls, Rents, and Income in manner following; (that is to say,) they shall yearly pay One Half of the net Tolls (such net Tolls to be ascertained by deducting from the gross Tolls the yearly Sum of Fifty Pounds, to be placed to the General Account of the *Middle Level* Commissioners, in full of Costs incidental to the Collection of the said Tolls and Establishment Charges), to be collected at the *Old Bedford Sluice* to the *Sutton and Manea* Committee if and so long as that Committee shall continue, and shall transfer the Residue or the whole (as the Case may be) of such Tolls, Rents, and Income to the General Account of the *Middle Level* Commissioners; provided that if the said Debt, or any Part thereof, shall in exercise of any of the Provisions of this Act be paid by the *Middle Level* Commissioners out of their own proper Funds under the Provisions in this Part of this Act contained, then the same shall not be deemed to be satisfied for the Purposes of this present Section until the full Amount of Debt and Interest due to such Creditors shall have been fully repaid and satisfied to the *Middle Level* Commissioners, and for such Purpose the *Middle Level* Commissioners shall be deemed entitled to stand in the Place of the Creditors whose Securities shall have been paid by those Commissioners, and whether the same shall or shall not have been transferred to or in trust for them.

Certificates
of lost Secu-
rities to be
issued to the
Owners
thereof.

39. If any Mortgage or Assignment of the Tolls or any Transfer thereof shall be lost or destroyed, then upon Proof thereof to the Satisfaction of the *Middle Level* Commissioners, and on Demand of the Person entitled thereto, the *Middle Level* Commissioners may, either upon or without receiving any Indemnity in respect thereof, as they may think fit, cause a Certificate of the Mortgage, Assignment, or Transfer which shall be so lost or destroyed to be delivered to such Person of his Ownership of such Mortgage, under the Common Seal of the *Middle Level* Commissioners; and such Certificate shall specify the Mortgage to which such Person is entitled, and the same may be according to the Form in the Fourth Schedule to this Act annexed or to the like Effect; and every such Certificate shall be entered in the Register of Securities by the Clerk; and for such Certificate the *Middle Level* Commissioners or their Clerk may demand the Sum of Five Shillings.

Certificate
to be Evi-
dence

40. The said Certificate shall be admitted in all Courts as *primâ facie* Evidence of the Title of the Person therein named, his Executors, Administrators, or Assigns, to the Mortgage therein specified, nevertheless the Want of such Certificate shall not prevent the Owner or
Person

Middle Level Act, 1862.

Person entitled to any Mortgage or Assignment of the Tolls from disposing thereof.

41. If any such Certificate be worn out or damaged, then upon the same being produced at some Meeting of the *Middle Level* Commissioners, such Commissioners may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate and of the Mortgage therein mentioned shall be at the Time vested; or if such Certificate be lost or destroyed, then upon Proof thereof to the Satisfaction of the *Middle Level* Commissioners, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Clerk in the Register of Securities; and for every such Certificate so given or exchanged the *Middle Level* Commissioners or their Clerk may demand any Sum not exceeding Five Shillings.

Certificates
to be re-
newed when
destroyed.

42. Inasmuch as the several Persons mentioned in the Fifth Schedule hereto, being respectively Owners of the several Bonds or Securities referred to in the said Schedule heretofore executed by the *Nene* Navigation Commissioners, and charged upon the Navigation Tolls, are willing to accept the Sum of Sixty-five Pounds, and Interest from the First Day of *January* One thousand eight hundred and sixty-one to the Time of Payment, at the Rate secured by such Bonds respectively, in full Satisfaction of all Principal and Interest due upon such Bonds respectively, therefore the *Middle Level* Commissioners shall be and they are hereby authorized and required within Six Months after the Commencement of this Act to pay the Sum of Sixty-five Pounds, with Interest as aforesaid from the said First Day of *January* One thousand eight hundred and sixty-one to the Time of Payment, unto the said Owners, in full Satisfaction of all Principal and Interest due on each and every of the Bonds mentioned in the said Schedule, and thereupon such Owners respectively shall transfer the said Bonds to or in trust for the *Middle Level* Commissioners, or deliver the same up to be cancelled, as those Commissioners may require; and upon Tender of the Sum of Sixty-five Pounds and Interest as aforesaid to the registered Owner thereof for the Time being all future Interest upon any Bond in respect of which such Tender shall be made shall cease.

Agreement
for Satisfac-
tion of cer-
tain Bonds
confirmed.

43. The *Middle Level* Commissioners shall be and they are hereby authorized from Time to Time or at any Time, as they shall think fit, to agree with the registered Owner for the Time being of any of the Bonds or Securities charged upon the Navigation Tolls not comprised in the said Fifth Schedule hereto for a Sum of Money to be paid by way of Composition in full of the Principal and all Arrears of

Middle
Level Com-
missioners
empowered
to agree
for the Re-
demption or
Transfer of
other Bonds.

[*Local.*]

31 C

Interest

Middle Level Act, 1862.

Interest then owing on such Bonds respectively, and to require and take a Transfer thereof to or in trust for the *Middle Level* Commissioners, or otherwise deliver the same up to be cancelled, as those Commissioners may require.

Power to
Executors,
&c. to con-
sent.

44. All Executors and all Committees of the Estates of Idiots and Lunatics who, as such, are for the Time being entitled to any Money charged or secured on the Navigation Tolls, may enter into any such Agreement as last aforesaid as fully as if they respectively were so entitled in their own Right, discharged of all Trusts in respect thereof; and all Executors and Committees so consenting are hereby severally indemnified for so doing: Provided always, that no such Agreement shall be binding if made for a less Sum than Sixty-five Pounds for the Discharge of any Bond and full Payment of all Interest which shall have accrued due after the First Day of *January* One thousand eight hundred and sixty-one.

Middle
Level Com-
missioners
may exer-
cise borrow-
ing Powers.

45. For the Purpose of completing and carrying into effect any of the Provisions of this Third Part of this Act the *Middle Level* Commissioners may from Time to Time apply any Portion of their general Funds, or, if they think fit so to do, they may and are hereby authorized (but without Prejudice to any then existing Mortgage) to exercise all or any of the borrowing Powers granted or given to or vested in them by any of the *Middle Level* Acts or by this Act, or which immediately before the Commencement of this Act were vested in the *Nene* Navigation Commissioners.

PART 4.—AS TO THE BARRIER BANKS ACTS.

Repeal of
Barrier
Banks Acts.

46. From and immediately after the Commencement of this Act the Barrier Banks Acts shall be and the same are hereby repealed; provided that the Repeal thereof shall not have any retroactive Operation.

General
Saving of
Rights under
Barrier
Banks Acts.

47. Notwithstanding the Repeal, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the Barrier Banks Acts or any of them shall be as valid as if the Repeal had not happened; and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Repeal had not happened and this Act were not passed would be incident to or consequent on any and every thing so done and suffered and confirmed respectively.

Books, &c.
continued
Evidence.

48. Notwithstanding the Repeal, all Documents, Books, and Writings by the Barrier Banks Acts or any of them directed or authorized

Middle Level Act, 1862.

rized to be kept, and which if the Repeal had not happened would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

49. Notwithstanding the Repeal, all Treasurers, Clerks, Officers, or other Persons whomsoever who immediately before the Commencement of this Act held any Money, Books, Papers, Documents, Chattels, or Property of or belonging to the Commissioners constituted by or acting under the Barrier Banks Acts or any of them, shall forthwith pay or deliver the same to the *Middle Level* Commissioners or their Clerk or Treasurer, and the Receipt in Writing of Three of the *Middle Level* Commissioners, or of their Clerk or Treasurer, shall be a sufficient Discharge to the Persons so paying or delivering the Money, Books, Papers, Documents, Chattels, or Property in such Receipt expressed to be received.

Barrier Banks Commissioners to pay Money and deliver Books, &c. to Middle Level Commissioners.

50. Notwithstanding the Repeal of the Barrier Banks Acts, all Conveyances, Grants, Leases, Mortgages, Contracts, Agreements, Securities, and other Acts and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue of the Barrier Banks Acts respectively, or with reference to the Purposes thereof respectively, or by such Acts or any of them vested in or charged upon the Commissioners under such Acts, shall be as good, valid, and effectual to all Intents and Purposes whatsoever for, against, and with reference to the *Middle Level* Commissioners as they would have been if the Barrier Banks Acts had not been repealed, and may be proceeded on and enforced accordingly.

Conveyances, &c. to remain in force.

51. Notwithstanding the Repeal of the Barrier Banks Acts, no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the Commissioners under any of those Acts previously to the Commencement of this Act shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the *Middle Level* Commissioners in the same Manner to all Intents and Purposes as if this Act had not passed; and Proceedings for all Offences against the Provisions of the Barrier Banks Acts or any of them committed before the Commencement of this Act may be commenced and prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if the Barrier Banks Acts had not been repealed.

Actions, &c. not to abate.

52. Notwithstanding the Repeal of the Barrier Banks Acts, all Persons who immediately before the Commencement of this Act owe any Money to the Commissioners under those Acts or to any of them, or to any Person on their respective Behalf, shall pay the same, with Interest

Debts due to and by the Barrier Banks Commissioners to be paid to

Middle Level Act, 1862.

and by the
Middle
Level Com-
missioners.

Interest (if any) due or to accrue due for the same, to the *Middle Level* Commissioners, and the same shall be recoverable by the *Middle Level* Commissioners; and all Debts and other Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the Commissioners under the repealed Acts or any of them, or for the Payment of which those Commissioners are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the *Middle Level* Commissioners, and all Securities for the same shall continue in force accordingly.

PART 5.—AS TO AMENDMENT OF THE MIDDLE LEVEL ACTS.

Repeal of
Parts of
Middle
Level Acts.

53. From and immediately after the Commencement of this Act the several Sections of the “*First Middle Level Act*,” “*Second Middle Level Act*,” and “*The Middle Level Drainage Amendment Act, 1848*,” which are specified in the Sixth Schedule to this Act annexed, are by this Act repealed, except only so far as is otherwise expressed in the same Schedule; provided that the Repeal thereof shall not have any retroactive Operation.

Middle
Level Com-
missioners
incorpo-
rated.

54. The *Middle Level* Commissioners for the Time being shall be a Body Corporate by the Name and Style of the “*Middle Level Commissioners*,” and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued, plead and be impleaded, and for the Purposes as well of the *Middle Level* Acts as of this Act may purchase and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof to the Use and for the Purposes of the said Corporation and of their Undertaking.

And to re-
present the
Middle
Level Drain-
age Com-
missioners.

55. From and after the Commencement of this Act the *Middle Level* Commissioners hereby incorporated shall be treated and considered as representing the *Middle Level* Drainage Commissioners to all Intents and Purposes in the same Manner as if the *Middle Level* Drainage Commissioners had originally been incorporated and called by the Name “*Middle Level Commissioners*,” and had not been known by any other Name.

Corpora-
tions, &c.
empowered
to act as
Commis-
sioners.

56. After the Commencement of this Act every Corporation, or Body of Commissioners, or Trustees for charitable or other public Purposes, being seised or possessed of or entitled to One hundred Acres of Land liable to be taxed by the *Middle Level* Commissioners, shall be and are hereby authorized to act as *Middle Level* Commissioners in manner herein-after directed.

How Trus-
tees and Cor-
porations
are to act.

57. When there are more than One Trustee, Committee, or Guardian for the same Property, only One such Trustee, Committee,
or

Middle Level Act, 1862.

or Guardian shall act as a *Middle Level* Commissioner at One and the same Time; and only One Member or Officer of any Body of Commissioners, or of Trustees for charitable or other public Purposes, to be for that Purpose from Time to Time appointed by or at any Meeting of the Body represented, shall act as a *Middle Level* Commissioner at One and the same Time; and any Corporation may from Time to Time appoint One of its Members or Officers to act in the Stead and Name and during the Pleasure of the Corporation as a *Middle Level* Commissioner.

58. If Two or more Persons be Joint Owners in their own Right of Two hundred Acres of Land or upwards liable to be taxed by the *Middle Level* Commissioners, each of such Persons shall be entitled to act as a *Middle Level* Commissioner, provided the same Land shall, if divided by the Number of Joint Owners, give them One hundred Acres each; and if Two or more Persons be Joint Owners in their own Right of Four hundred Acres of Land or upwards liable to be taxed by the *Middle Level* Commissioners, each of such Owners shall be entitled to appoint any other Person to act as a *Middle Level* Commissioner in the Absence and during the Pleasure of such Owner, provided the same Lands shall, if divided by the Number of Joint Owners, give them Two hundred Acres each; and if Two or more Persons be Joint Owners in their own Right of One thousand Acres of Land or upwards liable to be taxed by the *Middle Level* Commissioners, each of such Owners shall be entitled to appoint Two other Persons to act as *Middle Level* Commissioners during the Pleasure of such Owner, both of which Persons may act in the Absence of such Owner, and either, but only One of them, in his Presence, provided the same Lands shall, if divided by the Number of Joint Owners, give them Five hundred Acres each.

Joint Owners may act or appoint Deputies.

59. Any Deputy or Person authorized to act as a *Middle Level* Commissioner for or on behalf of any other Person or Persons shall act for One Person only at the same Time, and in such and the same Manner to all Intents and Purposes as the Person appointing him might do if personally present and acting on his own Behalf.

Deputies to act for One Person only.

60. No Person shall be capable of acting as a *Middle Level* Commissioner until he shall have made and signed a Claim to act as such, and a Declaration according or to the Effect of One of the Forms contained in the Seventh Schedule hereto annexed, and shall have delivered or sent the same to the Clerk to the *Middle Level* Commissioners, by Post or otherwise, at least Twenty-four Hours before acting as a *Middle Level* Commissioner.

Declaration of Commissioners.

61. Any Person who shall falsely or corruptly make and subscribe the Claim and Declaration referred to in the last preceding Section, [Local.] 31 D knowing

False Declaration a Misdemeanor.

Middle Level Act, 1862.

knowing the same to be untrue in any material Particular, shall be guilty of a Misdemeanor.

Register of
Commis-
sioners.

62. The Clerk to the *Middle Level* Commissioners shall make and keep a Register in alphabetical Order of the Names of the Persons for the Time being who shall have claimed and who as far as he knows shall be entitled to act as *Middle Level* Commissioners, and may and shall from Time to Time erase the Name of every Person who shall be dead, or who shall have parted with his Qualification, or otherwise shall have become disqualified to act as a *Middle Level* Commissioner.

As to the
Chairman of
the Commis-
sioners.

63. The Person to be elected Chairman of the General Meeting of the *Middle Level* Commissioners to be held on the First *Thursday* in *November* after the passing of this Act, and at the General Meeting to be held on every succeeding First *Thursday* in *November*, shall be and continue Chairman of all Meetings of the *Middle Level* Commissioners to be held thenceforth until the General Meeting of the *Middle Level* Commissioners to be held on the First *Thursday* in *November* then next following; and if at any Meeting of the Commissioners the Chairman be not present, or the Office of Chairman be vacant, One of the Commissioners shall be elected Chairman of such Meeting in the Manner directed by Section Thirteen of the Second *Middle Level* Act, and at every General Meeting held on the First *Thursday* in *November* the Chairman going out of Office at that Meeting shall, if present and willing to act, be the Chairman.

For supply-
ing casual
Vacancies.

64. If any casual Vacancy occurs in the Office of Chairman during any Year, the *Middle Level* Commissioners shall at their next Meeting to be held after the Occurrence of such Vacancy elect another Chairman, to continue in Office until the General Meeting to be held on the First *Thursday* in *November* then next following.

Election of
Middle
Level Board.

65. The *Middle Level* Commissioners shall at their General Meeting to be held on the First *Thursday* in *November* after the passing of this Act, and at their General Meeting to be held on the First *Thursday* in *November* in every subsequent Year, elect Fourteen Commissioners, who, together with the Chairman of the Commissioners for the Time being, shall constitute and shall be called "the *Middle Level* Board."

Regulations
as to the
Board.

66. The following Regulations shall be observed by and be binding on the *Middle Level* Board; (namely,)

1. The Members of the First and every succeeding Board shall vacate their Offices on the First *Thursday* in *November* in each Year succeeding their Election;

2: The

Middle Level Act, 1862.

2. The Offices of vacating Members shall be filled up by an equal Number of qualified Persons to be elected as herein-before mentioned :
3. Every Member of the Board going out of Office shall be re-eligible, and if at any Time when an Election of Members ought to but the same does not take place, the retiring Members shall continue in Office until the succeeding Year :
4. Any casual Vacancy occurring in the Board may be filled up by the Board, but any Person so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred :
5. During any Vacancy in the Board the continuing Members shall act as if such Vacancy had not occurred :
6. If a Member of the Board cease to be a *Middle Level* Commissioner, or is adjudged bankrupt, or compounds with his Creditors, such Person shall cease to be a Member of the Board, and his Office shall thereupon be vacant :
7. Any Person who acts as a Member of the Board without being duly qualified or after he has become disqualified shall incur a Penalty not exceeding Fifty Pounds ; and in any Proceeding for the Recovery of such Penalty the Burden of proving his Qualification shall be upon the Person against whom such Proceeding is taken :
8. All Acts done by any Meeting of the Board or by any Person acting as a Member of the Board shall, notwithstanding it may be afterwards discovered that there was some Defect in the Election of any such Board or Person acting as aforesaid, or that they, or he, or any of them were or was disqualified, be as valid as if every such Board or Person had been duly elected or appointed and was qualified to be a Member.

67. The Proceedings of the Board shall be conducted in accordance with and subject to the following Rules :

As to Proceedings of the Board.

1. The Board shall from Time to Time meet for the Despatch of Business, and may make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions :—That
 - (a) No Business shall be transacted at any Meeting unless at least Five Members are present at the Commencement and Close of such Business :
 - (b) All Questions shall be decided by a Majority of Votes of the Members present :
 - (c) The Names of the Members present as well as of those voting upon each Question shall be recorded :

2. The

Middle Level Act, 1862.

2. The Chairman of the *Middle Level* Commissioners for the Time being shall be Chairman of the Board :
3. If at any Meeting the Chairman is not present at the Time appointed for holding the same, or if the Office of Chairman be vacant, the Members present shall choose some One of their Number to be Chairman of such Meeting :
4. In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote :
5. The Board may delegate any of their Powers to Committees, consisting of such Members of their Body as they think fit ; any Committee so formed shall in the Exercise of the Powers delegated conform to any Regulations that may be imposed on them by the Board :
6. If the Chairman of the Board is a Member of any Committee he shall be the Chairman thereof, and if the Chairman be not a Member then the Committee may elect a Chairman of their Meetings ; if no such Chairman is elected, or if the Chairman is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting :
7. A Committee may meet and adjourn as they think proper : Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote :
8. The Board shall cause Minutes to be made in Books provided for that Purpose—
 Of the Names of the Members present at each Meeting of the Board and Committees of the Board ;
 Of all Orders made by the Board and Committees of the Board ; and
 Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board ;
 And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence without any further Proof :
9. Section Ninety of “ *The Middle Level Drainage Amendment Act, 1848,*” shall extend and apply as well to the *Middle Level* Board or any Committee thereof as to any Committee appointed under the *Middle Level* Acts or either of them.

Powers of
the Board.

68. The Superintendence of all Matters and Affairs belonging to or vested in the *Middle Level* Commissioners, and the Exercise of all Powers and Duties by this or any other Act authorized to be exercised
or

Middle Level Act, 1862.

or performed by them, shall, subject and without Prejudice to the Rights and Powers of the Commissioners at any of their Meetings, and of any Orders or Resolutions to be from Time to Time made or passed thereat, be placed in and may be exercised by the *Middle Level* Board, subject to the following Restrictions; (that is to say,)

- 1st. That the Board shall not have Power to lay Taxes or to borrow Money on Mortgage or Bond:
- 2nd. The Board shall not do any Act in contravention of any Order or Resolution made or passed at any Meeting of the *Middle Level* Commissioners; and,
- 3rd. Any Person aggrieved by any Order or Act of the Board may appeal therefrom, or shall be entitled to such other Redress in reference thereto as he might have done or been entitled to against any Order or Act of the Commissioners.

69. Sections Eleven and Fifty-three of the "Commissioners Clauses Act, 1847," and also the Provisions of the same Act with respect to—

Portions of
10 & 11 Vict.
c. 16. incor-
porated.

The Contracts to be entered into and the Deeds to be executed by the Commissioners, except Section Fifty-seven, shall be incorporated with this Part of this Act, and shall extend as well to the *Middle Level* Commissioners as to the *Middle Level* Board; and in the Construction of this Part of this Act and the incorporated Provisions Part Five of this Act and the *Middle Level* Acts shall together constitute "the Special Act."

70. When and so long as it shall be found necessary by the *Middle Level* Commissioners to impose the "Further Tax" and the "Additional Tax" respectively authorized to be imposed by "The *Middle Level* Drainage Amendment Act, 1848," or either of those Taxes, the *Middle Level* Commissioners may assess the same in One and the same Instrument of Assessment jointly with the Tax authorized to be imposed by the Second *Middle Level* Act, and any such Assessment may be according to the Forms given in the Eighth Schedule to this Act, or as near thereto as the Circumstances will admit; and it shall not be necessary for any Purpose to have separate Instruments of Assessment for each of the said Taxes.

Separate
Assessments
of the Taxes
unnecessary.

71. Whenever the Name of the Occupier or Owner of any Land liable to be assessed to any Tax by the *Middle Level* Commissioners shall not be known to them, it shall be sufficient to assess and designate him or them (as the Case may be) in the Assessment as "the Occupier" or "the Owner," without further Description.

As to assess-
ing unknown
Occupiers or
Owners.

Middle Level Act, 1862.

Owners may
be rated in
certain
Cases.

72. The *Middle Level* Commissioners may assess the Owner of any Lands in respect of which the Occupier is or would be liable to be taxed by them in any of the following Cases ; (that is to say,)

1. In case the Name of the Occupier of any Lands, the "Tax" upon which does not exceed Forty Shillings, shall not be known to them at the Time of making the Assessment :
2. In case of Land unoccupied at the Time of making the Assessment :
3. In case the rateable Value of any Occupation shall, according to the last Poor's Rate Assessment thereof, not exceed the Sum of Ten Pounds :
4. In case any Owner shall require to be assessed, and shall have paid all previous Rates assessed upon him :

But every such Assessment upon any Owner shall be subject to the following Restrictions :

- (a) The Right to recover any Arrears of Rates from any future Occupier of the Premises shall not be affected :
- (b) If the Occupier of any Land whose Name is unknown to the *Middle Level* Commissioners at the Time of making the Assessment should afterwards become known, or if any Land then unoccupied should afterwards become occupied, the *Middle Level* Commissioners or their Clerk may, if they or he think fit, insert in the Assessment the Name of any such Occupier, who shall thereupon to all Intents and Purposes be deemed to be properly assessed, and the Taxes thereby assessed and charged upon any such Occupier may be collected and recoverable from him in the same Manner as if he had been originally named therein or assessed thereto.

Separate
Warrants of
Distress
against the
same Occu-
pier unneces-
sary.

73. It shall not be necessary to have separate Warrants of Distress for Arrears of separate and distinct Taxes due in respect of the same Land, but all Arrears for the Time being due from the Occupier of any Lands or in respect of the Lands in his Occupation shall and may be recoverable by One and the same Warrant of Distress, and such Warrant may be according to One of the Forms in the Ninth Schedule to this Act annexed, or as near thereto as Circumstances will admit.

Taxes may
be reduced
on Payment
of Portions
of the Mort-
gage or
Bond Debts.

74. When and so soon as the Debt due from the *Middle Level* Commissioners on Mortgage or Bond shall be reduced to the Sum of Three hundred thousand Pounds, and whenever the Debt due from those Commissioners on Mortgage or Bond shall not exceed such Amount, it shall not be obligatory on those Commissioners to assess the Tax called the "Further Tax;" and when and so soon as the Debt due from those Commissioners on Mortgage or Bond shall be reduced to the Sum of One hundred and fifty thousand Pounds,
and

Middle Level Act, 1862.

and whenever the Debt due from them on Mortgage or Bond shall not exceed such last-named Amount, it shall not be obligatory on them to assess the Tax called the "Additional Tax," subject however to the Proviso herein-after contained; to wit,

That the Security and Remedies by the *Middle Level Acts* or this Act given or intended to be given to any Mortgagee or Bond Creditor shall not by this present Section be in anywise prejudiced or affected, and that no Mortgagee or Bond Creditor shall be hindered or prevented from levying all or any of such Taxes in pursuance of the Provisions in that Behalf herein-after contained.

75. Notwithstanding anything in the *Middle Level Acts* or either of them contained to the contrary, it shall be lawful for the *Middle Level Commissioners* or *Middle Level Board* to correct any Error in the Apportionment of Taxes made under or referred to in the *Middle Level Acts* or any of them as to the Content of any Lands mentioned therein, and for such Purpose to order a Survey of any such Lands, but no Alteration shall be made in the apportioned Acre Tax chargeable on any such Lands.

Errors as to the Contents of taxable Lands may be corrected.

76. If any Tax assessed by the *Middle Level Commissioners* on any Lands shall be unpaid and in arrear for Thirty Days after the same shall become due and payable, then it shall be lawful for the *Middle Level Commissioners* (without Prejudice to any of their other Remedies) to recover the same and the Penalty imposed for Non-payment thereof, with Costs of Suit, by Action, to be brought against the Person who was the Occupier of the Lands charged with such Tax at the Time the same became due and payable, in any Court having Jurisdiction in Actions of Debt for the Amount claimed in the Parish or Locality in which the Lands are situate, or in the Parish or Place in which the principal Office of the Commissioners shall for the Time being be situate.

Remedy by Action.

77. In case any Tax assessed by the *Middle Level Commissioners* on any Lands shall be in arrear for the Space of Six Months, and no sufficient Distress can be found upon those Lands, then it shall be lawful for the *Middle Level Commissioners* at any Meeting to let the same Lands, or so much of the same as they shall judge sufficient and proper, (and for that Purpose to inclose and set apart any Portion of any Common, Lammas, or Half Year Lands,) to such Person, for such Number of Years not exceeding Three, at such Rents, and upon such Terms and Conditions, as to them shall seem meet, and to apply the Rent received for the same in or towards Payment and Discharge of such Arrears and Penalty, and of all Charges and Expenses incurred in or about the letting of the said

Lands may be let for Recovery of Arrears and Penalties.

Lands,

Middle Level Act, 1862.

Lands, rendering the Overplus (if any) to the Person for the Time being appearing to be entitled thereto.

For Delivery
of Posses-
sion of Lands
let.

78. Upon Application made by the *Middle Level* Commissioners or their Clerk, it shall be lawful for any Justice to order any Constable, with proper Assistance, to enter upon any Lands so let under the Powers of the preceding Section, and to deliver the same to the Person to whom the Lands are let, and such Person shall hold and enjoy the same Lands freed and discharged from any Claims and Demands from any Person whomsoever for and during the Term, not exceeding Three Years, for which the Lands are let, and subject to the Rent and Stipulations reserved and made payable in respect thereof.

Taxes may
be appor-
tioned in
respect of
Debt and
Works.

79. In order that any Owner of Lands liable to be assessed by the *Middle Level* Commissioners may be enabled to redeem his Share or Proportion of the Debt for the Time being owing by the *Middle Level* Commissioners on Mortgage or Bond, or any Part thereof, it shall be lawful for the *Middle Level* Commissioners and they are hereby required, from and thenceforth after any Portion of the Debt shall under the Provisions herein contained have been redeemed, to apportion the Taxes to be yearly imposed by them, that is to say, to specify in the Instrument of Assessment what Proportion of the Taxes or total Amount of Taxes thereby imposed shall be carried to the "Debt Account," and what Proportion thereof shall be carried to the "General Account;" and the Debt Account shall be credited with the Proportion of Taxes so directed to be carried to that Account, and also with all Monies received for the Redemption of Taxes or otherwise in relation to the Debt, and shall be debited with all Payments in respect of Principal or Interest; and the General Account shall be credited with all Penalties received in respect of Taxes, or any Proportion thereof, and shall be debited with all Expenses in relation to the Transfer or otherwise in relation to any Mortgage or Bond.

As to the
Redemption
of Taxes in
respect of
Debt.

80. The *Middle Level* Commissioners may, with the Consent of the Mortgagees of the Taxes (if any) for the Time being, from Time to Time agree with any Owner of Lands liable to be taxed by them for the Redemption at Par of the *pro ratâ* Share of the Debt for the Time being owing from them on Mortgage or Bond as shall be payable for or in respect of such Lands, and upon receipt of the Redemption or Consideration Money the *Middle Level* Commissioners and the Mortgagees of the Taxes (if any) for the Time being shall give a Receipt and Discharge for the same, and shall execute and deliver to such Owner a Certificate under the Common Seal of the *Middle Level* Commissioners specifying the Proportion of Taxes so redeemed,

Middle Level Act, 1862.

redeemed, and describing the Lands whereon the same was chargeable, and which shall thenceforth be exonerated from such Proportion of Taxes accordingly; and every such Certificate shall be registered with the Clerk to the *Middle Level* Commissioners in a Book to be kept for that Purpose, and to be entitled the "Tax Redemption Book," and for his Trouble in respect of such Certificate the Clerk shall be entitled to a Fee of not exceeding Twenty Shillings, such Fee to be paid by the Party so redeeming.

81. The Provisions in this Act contained as to the Redemption of Taxes in respect of Debt shall and may be exercised in respect as well of all or any Part of the Debt for the Time being owing on Mortgage or Bond, as of any Sum of Money which the *Middle Level* Commissioners shall have resolved to borrow on Mortgage or Bond, and those Commissioners may agree upon and determine as to the Tax or Part of a Tax and Term of Years for and in respect of which any such Redemption shall extend.

Provisions
as to Re-
demption
extended to
Sums re-
solved to be
borrowed.

82. The *Middle Level* Commissioners may, with the Consent of the Mortgagees of the Taxes (if any) for the Time being, by Notice in Writing require the Owner of any Land liable to be taxed by them, and distinguished by a separate Number on a certain Plan called "Plan of Part of the *Bedford Level* and Lands adjacent subject to the *Eau Brink* Tax, by J. G. Lenny, *Bury Saint Edmunds*, 1833," or any Part or Subdivision of any Land so distinguished, and the yearly Taxes to which the same Land or Subdivision are liable to be assessed by the *Middle Level* Commissioners shall not exceed Two Shillings and Sixpence *per Annum*, to redeem the Taxes to which such Lands are so liable to be assessed upon such Terms as to the *Middle Level* Commissioners and such Owner shall seem reasonable, so that the same be not less than Twenty nor more than Thirty Years Purchase of the Taxes to which the same are liable to be assessed; and upon the Receipt of the Redemption or Consideration Money the *Middle Level* Commissioners and the Mortgagees of the Taxes (if any) for the Time being shall give a Receipt and Discharge for the same, and shall execute and deliver to such Owner a Certificate under the Common Seal of the *Middle Level* Commissioners, describing the Land whereon the Taxes so redeemed were chargeable, and which shall thenceforth be exonerated in perpetuity from Liability to be taxed by the *Middle Level* Commissioners under the Provisions of the existing *Middle Level* Acts; and every such Certificate shall be registered with the Clerk to the *Middle Level* Commissioners in "the Tax Redemption Book," and for his Trouble in respect of such Certificate the Clerk shall be entitled to a Fee of not exceeding Five Shillings.

As to the
voluntary
Redemption
of small
Taxes.

[*Local.*]

31 F

83. Every

Middle Level Act, 1862.

Compulsory
Redemption
of small
Taxes.

83. Every such Notice may be sent by Post addressed to the usual or last known Place of Abode of such Owner, and shall appoint a Time and Place for such Owner to attend the *Middle Level* Commissioners for the Purpose of arranging the Terms of Redemption; and in case such Owner shall not attend pursuant to such Notice, or in case he and the *Middle Level* Commissioners cannot agree upon the Terms of Redemption, then and in either of such Cases the *Middle Level* Commissioners may fix and determine that the Redemption Money shall be such Sum as shall be equal to not exceeding Twenty-five Years Purchase of the Taxes to which the Lands are liable to be assessed, and Notice of such Determination shall be sent by Post to such Owner addressed as aforesaid; and in case of Non-payment of the Redemption Money for Six Months after Demand, the same shall be recoverable by the *Middle Level* Commissioners by any of the Ways and Means by which the Taxes assessed by them are, under the *Middle Level* Acts or either of them or by this Act, made recoverable; and on Payment or Recovery thereof the *Middle Level* Commissioners shall give such Receipt and execute and register such Certificate of Redemption as aforesaid.

Compensa-
tion and
Trust
Monies may
be applied in
Redemption
of Taxes.

84. Any Purchase or Compensation Money paid into the Bank of *England* in respect of any Lands belonging to Parties under Disability under the Authority of any Act or Acts of Parliament, and also any Monies held upon Trusts authorizing the Investment thereof in the Purchase of other Lands to be limited and settled upon the like Uses, Trusts, and Purposes as the Lands in respect of which the Owner for the Time being shall in exercise of any of the Provisions of this Act desire to redeem any Taxes or Proportion of Taxes are limited or settled, or otherwise applicable to such Purpose, may, by Order of the Court of Chancery to be obtained by Petition in a summary Way, be applied in the Redemption of the Taxes or Proportion of the Taxes authorized to be imposed by the *Middle Level* Commissioners upon the Lands in respect of which such Money shall have been paid, or upon any other Lands settled therewith, or held to or upon the same or like Uses, Trusts, or Purposes; and as to any such Money not amounting to Two hundred Pounds, and which shall have been paid to or shall be held by Trustees or by any such Party under Disability, the same may be applied by the Trustees or such other Party in the Redemption of such Proportion of the Taxes without any Order of the Court of Chancery.

Application
of Redemp-
tion Money.

85. All Monies received by the *Middle Level* Commissioners or their Treasurer under the Provisions of this Act for or in respect of the Redemption of Taxes shall be applied in and towards the Discharge of the Debt (if any) for the Time being owing from the *Middle Level* Commissioners on Mortgage or Bond, or if there be no such Debt, then

Middle Level Act, 1862.

then in the Construction of any Works for the permanent Benefit of the *Middle Level* the Expense of which might be paid out of Money borrowed, or such Monies may be invested in Government or Real Securities.

86. In case any Person being Tenant for Life or Lives of any Land subject to be taxed under the *Middle Level* Acts, or any of them, shall have redeemed the said Taxes or any Proportion thereof, and paid the Consideration Money for the same, then and in such Case every such Person may and is hereby authorized by his last Will to charge such Land with the Payment of the Money which he shall have paid for the Redemption of such Taxes or any of them, or any Proportion thereof, and to direct and appoint the same to be paid to such Person as he shall by such last Will direct, or to merge and extinguish such Charge; and in case no such Charge shall be made or merged or extinguished, then the Amount of the Redemption or Consideration Money so paid shall be a Charge on the Land for or in respect of which the same shall have been paid, and such Charge shall be paid within Twelve Months to the Executors or Administrators of the deceased Tenant for Life by the Tenant for Life in Tail or in Fee next in Succession next after his coming into possession of the said Land, together with Interest for the same at the Rate of Four Pounds *per Centum per Annum* from that Period, and if not paid within such Period of Twelve Months then the Person entitled to receive the same shall and may recover the Interest then due and the future Interest half-yearly, if not paid within Thirty Days after the Sixth Day of *January* and the Sixth Day of *July* in each Year, of the Tenant for Life or Years] for the Time being, or the Principal and Interest of the Tenant in Tail or in Fee for the Time being, by Action in any Court having Jurisdiction for the Amount claimed in the Parish or Place in which the Lands in respect of which such Claim shall arise shall be situate, or by Entry and Distress upon such Lands in the same Manner and with the same Powers in all respects as Landlords can by Law enter and distrain for Rent in arrear on a common Demise.

Tenants for Life to be repaid Redemption Money.

87. If any Owner, not being the Occupier of any Lands liable to be taxed or assessed by the *Middle Level* Commissioners, shall voluntarily or compulsorily redeem such Taxes, or any Part thereof, and if the Tenant or Occupier thereof shall by his Lease or Agreement be liable to the Payment of all Drainage Taxes, or to the Payment of all Taxes, whether Parliamentary or Parochial, except Land Tax, then and in any such Case such Owner shall and may receive and recover from such Tenant or Occupier the Amount of the Tax or Proportion of Tax so redeemed at the same Time, in the same Manner, and by the same Ways and Means, as such Owner is entitled

Owner redeeming may recover Tax from the Occupier if liable thereto.

Middle Level Act, 1862.

entitled or authorized to receive and recover the Rent of such Land from such Occupier.

As to Mortgages by the Commissioners.

88. Without Prejudice to existing Mortgages, the Powers given to the *Middle Level* Commissioners by Sections Thirty-four, Thirty-five, and Thirty-six of "The *Middle Level* Drainage Amendment Act, 1848," may be exercised in respect of any Monies authorized to be borrowed by them by any of the *Middle Level* Acts or this Act, and upon or in respect of any Taxes authorized to be imposed by the *Middle Level* Commissioners by any of the *Middle Level* Acts, or upon any Tolls, Lands, Tenements, or Hereditaments or other Property now vested in them or transferred to or vested in them under the Provisions of this Act; and the *Middle Level* Commissioners may in any Mortgage declare and agree that the Mortgagee shall be the first or only Mortgagee of the Property comprised therein or thereby mortgaged, and also in what Order the Securities of different Mortgagees of the same Property shall stand; and in regard to any Money to be hereafter borrowed on Security of the said Taxes or any of them the *Middle Level* Commissioners may, by Order or Resolution at any Meeting, divide the Lands liable to be assessed thereto into Divisions or Districts, so as to give to different Mortgagees a first or only Charge upon the Taxes authorized to be imposed upon or in respect of the Lands in each such Division or District; nevertheless every such Order or Resolution shall be subject to the following Provisoos:

- 1st. That without Prejudice to the Rights given or by any Mortgage agreed to be given to any Mortgagee, the Taxes to be imposed on all the Lands liable to be assessed by the *Middle Level* Commissioners, as well those comprised as those not comprised in any such Mortgage, shall be applied by those Commissioners in and towards Liquidation and Satisfaction of any and every such Mortgage; and
- 2nd. That if, by reason of the Exercise of any of the Powers of any Mortgagee, any Occupier of Lands assessed to the Tax comprised in any such Mortgage shall pay a higher *pro ratâ* Tax than the Occupier of any Lands not comprised in any such Mortgage, and liable to be assessed thereto, every such Occupier paying such higher *pro ratâ* Tax shall be entitled to be recouped the Excess paid by him out of the general Funds of the *Middle Level* Commissioners.

Mortgagees may levy Rates if Commissioners neglect.

89. In case the *Middle Level* Commissioners shall, at any Time while any Money shall remain due on any Mortgage made or to be made under the Powers of any of the *Middle Level* Acts or of this Act, neglect or refuse to exercise all or any of the Powers given to them for assessing, levying, or recovering Taxes so as to meet and provide

Middle Level Act, 1862.

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 any Mortgagee for the Time being of the Taxes, his Executors, Administrators, or Assigns, 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 Taxes included in his Mortgage) the same or the like Powers, Rights, and Remedies for assessing and taxing the several Lands liable thereto, and for collecting, receiving, and enforcing the Taxes so assessed, as are by any of the *Middle Level Acts* or this Act given to the *Middle Level Commissioners* for the like Purpose.

90. It shall be lawful for the *Middle Level Commissioners*, if and when and as they may think fit, from Time to Time at any General or Special Meeting convened with Notice of such Object, to raise upon Bond instead of Mortgage Security all or any Part of the Monies which they shall then have raised and owe on Mortgage, and which they may be desirous of repaying, or which they may at that Time, under any of the *Middle Level Acts* or under this Act, be authorized to borrow on Mortgage; and such Bonds may be issued at such Times, upon such Terms, and subject to the Priority of any Mortgage or not, and to any and such Conditions as to Redemption or otherwise, and with such Rights and Privileges, and shall carry such Rate of Interest not exceeding Five Pounds *per Centum per Annum*, payable half-yearly, to commence at once or at such future Time or Times when and as any such Bonds shall be issued, or otherwise, as the *Middle Level Commissioners* shall at any such Meeting resolve and determine; and it shall not be necessary for any Person lending any Money on any such Bond to inquire, or see to, or take Notice of the Purpose or Necessity for any such Loan, or of the Application of the Money so to be borrowed.

Power to
raise Money
on Bond.

91. The Bonds to be issued under the Authority of this Act shall be a Charge upon the Taxes, Tolls, Rents, and Hereditaments, and other Funds and Property, of the *Middle Level Commissioners*, and shall be transmissible and transferable as and in other respects have the Incidents of Personal Estate, but the respective Holders of such Bonds shall not, as between themselves, be entitled to any Preference or Priority.

Bonds to be
a Charge on
Funds of the
Commissioners.

92. The *Middle Level Commissioners* may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed on Bond, with the Interest thereof, and in such Case the *Middle Level Commissioners* shall cause such Period to be inserted in the

Repayment
of Money
borrowed on
Bond at
Time fixed.

[Local.]

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Bond,

Middle Level Act, 1862.

Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall on Demand be paid to the Party entitled to such Bond; and if no other Place of Payment be inserted in such Bond, such Principal and Interest shall be payable at the principal Office or Residence of the Clerk to the *Middle Level Commissioners*.

Repayment
of Money
borrowed on
Bond, if no
Time fixed.

93. If no Time be fixed in the Bond for the Repayment of the Money so borrowed, the Party entitled to the Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Bond, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the *Middle Level Commissioners* may at any Time pay off the Money borrowed on giving like Notice; and every such Notice shall be in Writing or Print, or both, and if given by the Creditor shall be delivered to the Clerk, or left at the principal Office of the *Middle Level Commissioners*, and if given by the *Middle Level Commissioners* shall be given either personally to such Creditor or left at his Residence; or if such Creditor be unknown to the *Middle Level Commissioners*, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the "*London Gazette*," and in some daily Newspaper published in *London*, and also in some Newspaper published and circulating in the County of *Cambridge*.

Interest to
cease on Ex-
piration of
Notice by
Commis-
sioners.

94. If the *Middle Level Commissioners* shall have given Notice of their Intention to pay off any such Bond at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable on such Bond, unless the *Middle Level Commissioners* shall fail to pay the Principal and Interest due at the Expiration of such Notice on such Bond.

Payment of
Arrears of
Interest to
be enforced
by Appoint-
ment of Re-
ceiver.

95. If within Thirty Days after the Interest on the Bonds shall be payable, and after Demand thereof in Writing, the same be not paid, any of the Holders of such Bonds holding individually or collectively at least Five thousand Pounds in Amount thereof may (without Prejudice to their Right to sue for the Interest so in arrear in any Court of competent Jurisdiction) require the Appointment of a Receiver by an Application to be made as herein-after provided; and if within Six Months after the Principal Money owing upon any such Bond has become payable, and after Demand thereof in Writing, the same be not paid, the Creditor, without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any of the Superior Courts of Law or Equity, may, if his Debt amount to Five thousand Pounds, or if his Debt does not amount

Arrears of
Principal
and Interest.

to

Middle Level Act, 1862.

to that Sum he may, in conjunction with other similar Creditors whose Debts being so in arrear after Demand as aforesaid shall together with his amount to Five thousand Pounds, require the Appointment of a Receiver by an Application to be made as hereinafter provided.

96. Every Application for such a Receiver under the last preceding Section shall be made to Two Justices of the Counties of *Huntingdon, Cambridge, or Norfolk, or Isle of Ely*, and on any such Application such Justices by Order in Writing, after hearing the Parties, may appoint some Person to receive the whole or a competent Part of the Taxes, Tolls, Rents, or Monies liable to the Payment of such Interest or such Principal and Interest, as the Case may be, until such Interest or such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Taxes, Tolls, or Monies, be fully paid; and upon such Appointment being made all such Taxes, Tolls, or Monies shall be paid to and may be assessed, levied, and received by the Person so appointed, and the Money so to be received shall be so much Money received by or to the Use of the several Persons interested in the same, according to their several Rights therein; and so soon as the full Amount of such Interest and Costs, or Principal, Interest, and Costs, as the Case may be, has been so received, the Power of such Receiver shall cease; provided that the Receiver shall distribute rateably and without Priority among all the Holders of such Bonds to whom Interest or Principal and Interest is in arrear the Monies which shall come to his Hands.

Mode of
appointing
Receiver.

97. If the Interest or Principal on any such Bond shall be in arrear for Thirty Days next after any of the respective Days whereon the same shall be due, and unpaid after Demand made, the Holder for the Time being of such Bond may (without Prejudice to his Power to apply for the Appointment of a Receiver) recover such Interest or Principal in arrear, with Costs, by Action or Suit against the *Middle Level Commissioners* in any Court of competent Jurisdiction.

Arrears may
be recovered
by Action.

98. The *Middle Level Commissioners* shall cause Entries of the Bonds from Time to Time issued to be made in a Register to be kept for that Purpose, wherein they shall enter the Names and Addresses of the several Persons and Corporations from Time to Time entitled to any such Bonds, with the respective Amounts to which such Parties respectively shall be entitled; and such Register shall be accessible for Inspection and Perusal at all reasonable Times to every Mortgagee or Holder of any Bond of the *Middle Level Commissioners* without the Payment of any Fee or Charge, and he may require a Copy thereof or of any Part thereof, and for every One hundred

Bonds to be
registered.

Middle Level Act, 1862.

hundred Words so required to be copied the *Middle Level* Commissioners may demand a Sum not exceeding Sixpence.

Mortgages
not affected.

99. Nothing herein contained as to Bonds shall in any way prejudice or affect any Mortgages which may have been or may hereafter be granted by the *Middle Level* Commissioners, or alter, prejudice, or affect the Powers of the *Middle Level* Commissioners of raising Money on Mortgage, but the Mortgagees respectively shall during the Continuance of their respective Securities be entitled to the same Priorities, Rights, and Privileges in all respects as they would have been entitled to if this Act had not been passed.

Commission-
ers released
from Works
agreed to be
executed
by other
Parties.

100. Whereas the Works and Portions of Works mentioned in the Agreements herein-after referred to, and which under the *Middle Level* Acts or some or One of them the *Middle Level* Commissioners were required to execute, or certain substituted Works in lieu thereof, have, for the Considerations therein expressed and in conformity with the following Agreements, (that is to say,)

1. An Indenture dated the Eleventh Day of *December* One thousand eight hundred and fifty-two between *William Wells* Esquire and the *Middle Level* Drainage Commissioners relating to the Works which those Commissioners were required to do in certain Drains or Watercourses called *Caldecott Dike* and *Holme Lode*, and as to the making and maintaining of a Portion of a new Cut on the Margin of *Whittlesea Mere* to its Point of Junction with *Trundle Mere*;
2. An Indenture dated the Sixth Day of *October* One thousand eight hundred and fifty-one between *Edward Fellowes* Esquire, M.P., and divers other Persons being Inhabitants of *Ramsey* in the County of *Huntingdon* and the *Middle Level* Drainage Commissioners, relating to the Works which those Commissioners were required to do in a certain Drain or Watercourse called "*Bill Lode*;" and
3. An Indenture dated the Seventh Day of *November* One thousand eight hundred and fifty between the Commissioners acting in execution of an Act of the Forty-first Year of the Reign of King *George* the Third relating to Lands in *Upwell*, *Outwell*, *Denver*, and *Welney*, mentioned in the Second Schedule hereto, of the one Part, and the *Middle Level* Drainage Commissioners of the other Part, relating to a Portion of the Works which under Section Sixty-one of "The *Middle Level* Drainage Amendment Act, 1848," and the whole of the Works which under Sections Sixty-five and Seventy-two of the same Act, the *Middle Level* Drainage Commissioners were required to execute; been executed, and are to be maintained by the said *William Wells*, the Inhabitants of *Ramsey*, and *Upwell* Commissioners respectively
(being

Middle Level Act, 1862.

(being the Persons and Parties solely or principally interested in the Works to which such Agreements respectively relate): Therefore the *Middle Level* Commissioners shall be and they are hereby released from all Liability whatsoever under the *Middle Level* Acts for and in respect of the making or Maintenance of the several Works to or concerning which such Agreements respectively relate, and such Agreements shall as to the Works to which they severally relate be carried into effect accordingly.

101. Whereas the *Middle Level* Outfall Sluice which connected the *Middle Level* Main Drain with the River *Ouse* has been destroyed by the Tide, and the Destruction thereof has admitted the Flow of the Tide with great Force up the Drain, and by reason thereof Part of the Western Bank of the Drain in *Magdalen Fen* has been destroyed, and the tidal Waters have flowed through the Breach in the Bank, and a considerable Extent of Land on the Western Side of the Drain has been thereby laid under Water: And whereas in the Interests of the Public it is essential for repairing the Damage so done, and also in the event of any Accident, Damage, or Injury to any Sluice, Bank, or Work connected with the Outfall under the Charge of the *Middle Level* Commissioners, attended with Danger to the adjacent District, happening or being apprehended, that the *Middle Level* Commissioners should have such Powers for entering upon, taking, and using Lands and executing Works as by the Act of the Session of the Fifth and Sixth Years of Her Majesty, Chapter 55, with respect to Railways are conferred on Railway Companies in case of Accidents or Slips happening or being apprehended to their Cuttings, Embankments, or other Works: Therefore the Powers and Provisions of Sections Fourteen and Fifteen of that Act shall extend and apply (*mutatis mutandis*) to the *Middle Level* Commissioners as if they were a Railway Company, and to the entering upon, taking, and using by them of Lands, and the Execution by them of Works, for repairing the Damage which has so happened to the Outfall Sluice and the Western Bank of the *Middle Level* Main Drain, and for repairing or preventing Accident, Damage, or Injury to their Works connected with the said Outfall, and for providing a temporary Passage for the Waters of and through the said Drain; and the Works which the *Middle Level* Commissioners from Time to Time may so execute shall comprise all such Dams, Banks, Sluices, Cuts, and other Works as they think requisite and the Board of Trade sanction; and the Expression Owners and Occupiers of Lands in the said Sections Fourteen and Fifteen shall extend and apply to Drainage Commissioners and Commissioners of Sewers as well as to Owners and Occupiers of Lands; and for the Purposes of those Works the Provisions "with respect to the temporary Occupation of Lands near the Railway during the Construction thereof," contained in the Railways

Provision as
to Accidents
to Outfall
Sluice and
Drain.

[Local.]

31 H

Clauses

Middle Level Act, 1862.

Clauses Consolidation Act, 1845, are incorporated with this Act (the Expressions "the Company" and "the Railway" in those Provisions meaning for the Purposes of this Act the *Middle Level* Commissioners and their Works connected with the said Outfall); and, in addition to the other Powers conferred on the *Middle Level* Commissioners by this Section, they may, if and when they think fit, purchase by Agreement, to be used for the Purposes of their Works, any Lands lying within Four hundred Yards from either Side of the *Middle Level* Main Drain, and also within One thousand three hundred Yards from the Point where it joins the River *Ouse*; and notwithstanding anything in this Act to the contrary, this Section shall be in force and have effect on and after the passing of this Act: Provided that no new Sluice or other Work shall be made or erected for the Purpose of discharging the Water from the *Middle Level* Main Drain into the River *Ouse* nearer to the *Marshland Smeeth and Fen Sluice* than the said Drain at its Junction with the River *Ouse*.

Provision as
to Road and
Haling-way.

102. Notwithstanding anything contained in the recited Acts or this Act, the *Middle Level* Commissioners shall with all convenient Despatch after the passing of this Act, at their own Cost, erect a new Bridge, or otherwise provide and make and for ever maintain a good and sufficient continuous Road or Haling-path, over and along or near to that Part of the West Bank of the River *Ouse* where recently stood the Sluice Bridge and Roadway made by the said Commissioners, and referred to in the One hundred and fifty-fifth Section of the Second *Middle Level* Act: Provided that no Alteration shall be made in the Site of the said Bridge, Road, or Haling-path unless with the Consent of the Commissioners acting in execution of the Act of the Thirtieth Year of King George the Third, Cap. Eighty-three, intituled *An Act for empowering Persons navigating Boats, Barges, and other Vessels in the River Ouse in the County of Norfolk to hale or tow with Horses or other Beasts on the Banks or Sea Walls of the said River, and for making Satisfaction to the Owners of the said Banks or Sea Walls*, or with the Consent and Approval of the Board of Trade, but Fourteen Days previous Notice shall be given to the River *Ouse* Haling Commissioners or their Clerk by the *Middle Level* Commissioners of any Application intended to be made by them to the Board of Trade for such Consent and Approval.

PART 6.—AS TO THE COMMITTEE OF SUTTON AND MEPAL AND
MANEA AND WELNEY DISTRICTS.

Constitution
of Com-
mittee of
Sutton, &c.
Districts.

103. A Committee (in this Act referred to as the *Sutton and Manea* Committee) of Seven Commissioners of the *Sutton and Mepal* and *Manea and Welney* Districts shall be constituted, Four Members whereof shall be elected or appointed by the *Sutton and Mepal* District

Middle Level Act, 1862.

District Commissioners, and Three by the *Manea and Welney* District Commissioners, at any Half-yearly or other General or Special Meeting of the Commissioners of those Districts respectively convened and held in conformity with the Provisions of the Act or Acts of Parliament relating to such Districts respectively.

104. A Copy of the Minutes of the Proceedings of the Meeting at which any such Election or Appointment shall be made, or of such Part thereof as shall relate to such Election or Appointment, purporting to be signed by the Chairman, shall be Evidence as well of the Fact as of the Correctness and Validity of every such Election or Appointment. Evidence of Appointment.

105. The *Sutton and Manea* Committee shall have the Superintendence and Management, at the Cost of such Committee, of the *Old Bedford River* from *Welche's Dam* to the *Old Bedford Sluice*, and the Low Bank of the said River from *Welche's Dam* to *Welney Bridge*, the *Counter-wash Drain* and the Bank on the North-west Side thereof, and that Part of the *Forty Feet River* or *Vermuyden's Drain* which is to the East of *Horseway Sluice*, and the Banks of the same (but subject to such Liability only (if any) to repair and maintain such last-mentioned Banks as the Corporation was liable to immediately before the Commencement of this Act), the *Welche's Dam Sluice*, and (but subject and without Prejudice to the Liability of the *Middle Level* Commissioners under the Provisions of this Act to repair and maintain the same) the *Old Bedford Sluice*, and in relation thereto may have and exercise all such and the same Powers as, if such Committee had not been constituted, the *Middle Level* Commissioners could or might have exercised in relation to such Rivers, Drains, Banks, and Sluices, subject to the following Restriction and Proviso: Powers of the Committee.

1st. The *Sutton and Manea* Committee shall not widen or deepen the said Rivers or Drains, or do any other Act so as to endanger or injure the Barrier Bank adjoining or near to the *Old Bedford River*, or any Bridge or Sluice over, in, or adjoining the said Rivers or Drains or either of them, or any Act whereby the Navigation through and along the *Old Bedford River* or any Part thereof may be impeded or prejudicially affected, without the previous Consent in Writing of the *Middle Level* Commissioners:

Secondly. Provided that nothing in this Section contained shall alter or vary the Liability of the *Middle Level* Commissioners to repair and uphold the Barrier Banks, Sluices, and Bridges of the *Middle Level* proper, which after the Commencement of this Act are to be maintained by the *Middle Level* Commissioners, according to the Provisions in that Behalf in this Act contained.

106. The

Middle Level Act, 1862.

As to the
Appoint-
ment of
Sluice
Keepers.

106. The Sluice Keeper of the *Old Bedford Sluice* shall be appointed by and be subject to the Dismissal of the *Sutton and Manea* Committee; and the Regulation of the said Sluice as well as of the *Welche's Dam Sluice* shall be under the Direction of the said Committee; and the Salaries of the Sluice Keepers of both the said Sluices, not exceeding the present Amount of such Salaries, with the Perquisites, shall be paid by the *Middle Level* Commissioners.

As to Supply
of fresh
Water to
Upwell
North and
South Dis-
tricts,

107. Notwithstanding anything in the *Middle Level* Acts or any of them contained to the contrary, the *Middle Level* Commissioners, and the *Sutton and Manea* Committee, and the Commissioners of *Upwell* South District, may agree to allow fresh Water to be taken into the *Upwell* North and South Districts at any Time they may think proper.

Regulations
as to the
Committee.

108. The Regulations which by the Fifth Part of this Act are directed to be observed by and binding on the *Middle Level* Board shall be observed by and be binding on the *Sutton and Manea* Committee, subject to and with the following Additions and Variations; (that is to say,)

1. The Members of the *Sutton and Manea* Committee shall vacate their Offices on the First *Thursday* in *June* in each Year:
2. The Election of new Members shall take place at the General Meeting of each of the said Districts immediately preceding the First *Thursday* in *June* in each Year:
3. Any Person ceasing to be a Commissioner of the District for which he was elected shall cease to be a Member of the *Sutton and Manea* Committee:
4. A Member of the *Sutton and Manea* Committee need not be a *Middle Level* Commissioner.

Proceedings
of the Com-
mittee.

109. The Proceedings of the *Sutton and Manea* Committee shall be conducted in accordance with and subject to the following Rules:

1. The Committee shall from Time to Time meet for the Despatch of Business, and may make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions:—That
 - (a) No Business shall be transacted at any Meeting unless at least Three Members are present at the Commencement and Close of such Business:
 - (b) All Questions shall be decided by a Majority of Votes of the Members present:
 - (c) The Names of the Members present as well as of those voting upon each Question shall be recorded:

2. The

Middle Level Act, 1862.

2. The Committee shall at their First Meeting, and afterwards at their First Meeting after each annual Election, appoint One of their Number to be Chairman for the Year following :
3. If at any Meeting the Chairman is not present at the Time appointed for holding the same, or if the Office of Chairman be vacant, the Members present shall choose some One of their Number to be Chairman of such Meeting :
4. In case of an Equality of Votes at any Meeting the Chairman for the Time being of such Meeting shall have a Second or Casting Vote :
5. The Committee shall cause Minutes to be made in Books provided for that Purpose—

Of the Names of the Members present at each Meeting of the Committee ;

Of all Orders made by the Committee, and of all Resolutions and Proceedings of Meetings of the Committee ;

And all such Minutes shall be signed by the Chairman of the Meeting at which the Proceedings took place, and such Entries so signed shall be *primâ facie* Evidence of the Facts therein stated without Proof of the Signature of the Chairman :

6. The Committee may appoint such Officers as they may deem necessary, and shall cause a Minute of every such Appointment to be entered in their Minute or Order Book.

110. The One Moiety of such of the additional Navigation Tolls granted by the Second *Middle Level Act* as are collected at the *Old Bedford Sluice*, and which under “The *Middle Level Drainage Amendment Act, 1848*,” (Section Seventeen,) are made payable to the *Sutton and Mepal Commissioners*, shall after the Commencement of this Act be payable to the *Sutton and Manea Committee*, and shall be applied by the said Committee to the same Purposes as the same were applicable to immediately before the Commencement of this Act ; and all other Funds and Monies by this Act made payable to such Committee shall and may be expended by them in and about any Works by this Act authorized to be done or executed by them, or in or about the Exercise of any of the Powers hereby granted to the *Sutton and Manea Committee*.

Application
of Funds of
Committee.

111. The Commissioners of the *Sutton and Mepal* and *Manea and Welney* Districts respectively may contribute from and out of the Taxes and Funds payable to or vested in them respectively to and in aid of the Funds of the *Sutton and Manea Committee* in such Proportions, for such special or other Purposes, and on such Terms, as the Commissioners of the said Districts respectively may resolve or agree ; and the *Sutton and Manea Committee* may in like Manner

Commission-
ers of Dis-
tricts may
contribute to
Funds of
Committee,
and vice
versâ.

[*Local.*]

31 I

from

Middle Level Act, 1862.

from Time to Time pay or divide the surplus Monies or Funds vested in them or any Part thereof to and among the said Commissioners respectively in such Proportions as they may deem just.

Investment
of surplus
Funds.

112. It shall be lawful for the *Sutton and Manea* Committee at any Time and from Time to Time to invest any surplus or unapplied Funds or Monies, not exceeding the Sum of Two thousand Pounds, until required for any of the Purposes aforesaid, in the joint Names of their Chairman, Clerk, and Treasurer for the Time being, or any Two of them, in or upon any of the Public Stocks or Funds or Government Securities of *Great Britain*, with Power for the *Sutton and Manea* Committee to call in or convert the same, or to sell out, vary, or transfer the Stocks, Funds, or Securities in or upon which any such Investment shall be made as Occasion may require, and the *Sutton and Manea* Committee or their Treasurer shall not be answerable for any involuntary Loss or Deficiency of or in the said Money, Stocks, or Funds.

Committee
may require
joint Meet-
ing of the
Board and
Committee
to determine
as to Repair
of Barrier
Banks.

113. In case the *Sutton and Manea* Committee shall at any Time be dissatisfied with the State of the Barrier Bank in or adjoining to the *Sutton and Mepal* and *Manea and Welney* Districts, or any Part thereof, they may from Time to Time, when and as they shall think fit so to do, require that a joint Meeting of the *Middle Level* Board and of the said Committee be convened and held to consider the State of the last-mentioned Barrier Bank or any Part thereof; and the said joint Meeting may thereupon pass such Resolutions and make such Orders, and give such Directions respecting the Repair or Maintenance of the same Bank as may be thought advisable; and every such Request shall be in Writing, and signed by the Chairman or any Two Members of the said Committee, and a Statement of the Names and Addresses of the then Members of the Committee shall be appended or annexed thereto, and the same shall be sent by Post to or served upon the Clerk to the Board, or left at his Office; and such joint Meeting shall be held within One Month after the sending or Service of such Request; and Notice of the Time and Place of holding of every such Meeting shall be sent by the Clerk of the Board as well to the Members of the Board as to the Committee; and every such joint Meeting shall be subject to the same or similar Rules and Regulations as are in and by the Fifth Part of this Act contained and provided in regard to the Meetings of the Board.

Committee
may appeal
to Civil
Engineer.

114. If no such joint Meeting of the Board and Committee shall be held within One Month after such Request, or if the Committee shall be dissatisfied with the Result of any such Meeting, then and in every such Case the Committee may, by Notice in Writing signed by the Chairman or Two Members of the Committee, to be sent

Middle Level Act, 1862.

sent by Post to or served on the Clerk to the Board, or left at his Office, require that the Question as to the State and Necessity for Repair of the said last-mentioned Barrier Bank be referred to a Civil Engineer to be in that Behalf appointed by the Board and the Committee, or in case they cannot agree upon an Appointment, then by the Board of Trade, on the Request of either of the Parties; and the Decision of such Engineer shall be final, and any Works reported by him as necessary shall be forthwith executed by the Board, or in case of their refusing or neglecting to do so, then by the Committee; and all the Expenses incurred by the Committee about or in relation to any Works so to be executed by them shall be deemed a Debt due to them from the *Middle Level* Commissioners, and be recoverable by Action at Law in any Court of competent Jurisdiction for Recovery of Sums of the like Amount.

115. If and when and so long as the Lands in the *Sutton and Mepal* and *Manea and Welney* Districts shall, under the Provisions of "The *Middle Level* Drainage Amendment Act, 1848," be wholly drained into or through any of the Cuts, Rivers, Drains, or Water-courses of or under the Management of the *Middle Level* Commissioners, then and during such Time the *Sutton and Manea* Committee shall cease to act, and shall not thereafter during such Term be appointed; and the Provisions of this Act as to those Districts, and as to the said Adventurers Account, and as to the Appointment of and all other Provisions of this Act in relation to the said Committee, shall during such Time be wholly inoperative, and the whole of the Rents, Revenues, and Income by this Act transferred to and vested in the *Middle Level* Commissioners, together with the said Moiety of additional Navigation Tolls collected at the *Old Bedford Sluice*, and all other Monies by this Act made payable to the *Sutton and Manea* Committee, shall be carried over to the general Account of the *Middle Level* Commissioners.

In case Sutton, &c. Districts should agree to drain with the *Middle Level*, then Committee not to be appointed.

116. The Provisions of the "Commissioners Clauses Act, 1847," with respect to—

- (1.) The Contracts to be entered into and Deeds to be executed by the Commissioners;
- (2.) The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;
- (3.) The Appointment and Accountability of Officers of the Commissioners;
- (4.) The Accounts to be kept by the Commissioners;
- (5.) The giving Notices and Orders;

shall be incorporated with this Part of this Act; and the *Sutton and Manea* Committee shall, for the Purpose of this Incorporation, be deemed Commissioners within the Meaning of the said incorporated Provisions; and in the Construction of this Part of this Act, and the

Certain Parts of 10 & 11 Vict. c. 16. incorporated.

incorporated

Middle Level Act, 1862.

incorporated Provisions in connexion therewith, Part Six of this Act shall constitute the Special Act.

PART 7.—AS TO DISTRICT ACTS.

Certain
Parts of
10 & 11 Vict.
c. 16. incor-
porated.

117. The Provisions of the "Commissioners Clauses Act, 1847," with respect to—

1. Meetings and other Proceedings of the Commissioners, and their Liabilities (except Sections Thirty-six, Forty, Forty-two, Forty-three, Forty-eight, Fifty-three, and Fifty-four);
2. Contracts to be entered into and the Deeds to be executed by the Commissioners (except Section Fifty-seven);
3. The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;
4. The Accounts to be kept by the Commissioners (except Sections Ninety-two to Ninety-five inclusive);
5. The making of Byelaws;
6. Giving Notices and Orders;
7. Proofs of Debts in Bankruptcy or Insolvency;
8. Tender of Amends;
9. Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matters referred to Justices;

shall be incorporated with the Act or Acts of Parliaments relating to each of the Districts constituted by or mentioned or referred to in any Act of Parliament comprised in the Second Schedule hereto, subject to the following Provisoos:

1. That the First Meeting of the Commissioners referred to in Section Thirty-seven of the "Commissioners Clauses Act, 1847," shall mean the First General Meeting of the respective District Commissioners to be held after the Commencement of this Act, and the Annual Meeting of the Commissioners shall mean such General Meeting as the District Commissioners respectively shall appoint to be deemed the Annual Meeting for the Purpose of such Section; and
2. The respective District Commissioners may require such Notice as they respectively shall from Time to Time direct to be given of Special Meetings, not being less than Seven Days.

Other Pro-
visions may
be incorpo-
rated by
Resolution.

118. Any District Commissioners may, by Resolution at any General or Special Meeting, of which Notice of the Intention to take the Subject into consideration shall have been given, resolve and order that they adopt the Provisions of the "Commissioners Clauses Act, 1847," with respect to—

1. The Appointment and Accountability of Officers of the Commissioners; and
2. Mortgages to be executed by the Commissioners:

And

Middle Level Act, 1862.

And thenceforth after the passing of any such Resolution, or at the Time thereby appointed for that Purpose (as the Case may be), the Provisions referred to in such Resolution shall be incorporated with the Act or Acts relating to such District, subject to the following Proviso:

That instead of paying off or providing a Sinking Fund equal to One Twentieth Part of the Principal Money borrowed on Mortgage yearly and every Year, any District Commissioners may arrange with any Mortgagee for the Liquidation of the whole Amount of Principal and Interest by equal annual Payments during the Term of Twenty Years or any less Term.

119. A Copy of the Proceedings of the Meeting at which any such Resolution or Order shall be made, or of such Part thereof as shall relate to such Resolution or Order, purporting to be signed by the Chairman, shall be Evidence as well of the Fact as of the Correctness and Validity of every such Resolution or Order. Evidence of Incorporation.

120. In the Construction of this Part of this Act, and the said Provisions now or which by any such Resolution may hereafter be incorporated herewith, Part Seven of this Act, and the Act or Acts of Parliament relating to the particular District, shall for the Purposes of this Act together constitute the "Special Act." "Special Act" defined.

121. Such Parts of any of the District Acts or of the Provisions therein respectively contained as are inconsistent with the Provisions by this Part of this Act incorporated herewith, or which under the Power herein contained may hereafter be so incorporated, shall be and are hereby repealed. Inconsistent Provisions repealed.

122. Any District Commissioners may from Time to Time purchase a Piece or Pieces of Land lying within or near to the District for which they shall be acting, to be used as and for a Site or Sites of an Engine House or Engine Houses and Residences of the Engine Driver or other Servant of such Commissioners, so that the total Quantity of Land for this Purpose to be held at any One Time by the Commissioners of any District shall not exceed Two Acres, and to cause the same by proper Assurances to be conveyed to the Use of the said Commissioners, or any Five or more of them, their Heirs and Assigns, upon trust for the Commissioners for the Time being of such District and for the Purposes of the District. Power to purchase a Site for Engine and Buildings.

123. Any District Commissioners may, if they think fit so to do, at any Time or Times and from Time to Time sell or cause to be sold all and every the Engines and Mills or other Works already or which Power to sell Mills, &c. and Sites.

[Local.]

31 K

shall

Middle Level Act, 1862.

shall at any Time hereafter be erected within the District for which they shall be acting, and also all their Right and Interest in the Site of the said Engines and Mills or other Works, for the best Price that can be gotten for the same, and apply the Money arising from every such Sale to and for the Purposes of such District.

As to
Penalty for
Nonpayment
of Taxes.

124. In case any Person liable to pay any Rate or Tax made by any District Commissioners under the Powers of any District Act shall neglect to pay such Rate or Tax or any Part thereof to the Person authorized to receive the same, either before or within or at the Time and Place appointed for Payment thereof, then such Person shall forfeit and pay to such Commissioners such further Sum by way of Penalty as in that Behalf is stated in the District Act under which the same Rate or Tax shall be assessed or imposed, and in case such District Act contains no such Provision in that Behalf then such Sum not exceeding One Sixth Part of the Rate or Tax as the District Commissioners may at the Time of assessing or imposing such Rate or Tax determine and order, and such Penalty or further Sum shall be recoverable and applied in like Manner as the Rate or Tax.

As to Assess-
ment and
Recovery of
Taxes.

125. Every Rate or Tax assessed or imposed by any District Commissioners shall be recoverable in the Manner provided by the District Act or Acts under which the same shall be assessed or imposed, or, at the Option of the Commissioners, may be recoverable in like Manner as any Taxes authorized to be assessed or imposed under the Authority of the *Middle Level Acts* or any of them are by those Acts or either of them or by this Act authorized to be recovered; and all and singular the Provisions contained in the Fifth Part of this Act with respect to the Assessment, Collection, and Recovery of Taxes and Penalties assessed or imposed by the *Middle Level Commissioners* shall (*mutatis mutandis*) apply and extend to Taxes or Rates assessed or imposed by any District Commissioners.

District
Commis-
sioners may
resolve to
repair
Roads, &c.

126. Any District Commissioners may at any Special Meeting duly convened for that Purpose resolve to repair all or any of the Roads or Droveys (not being public Highways, or which shall not be repaired by the Surveyor of the Highways, or Corporation or Person discharging the Duties of that Office) within the Limits of or leading to or from such District, and after the passing of any such Resolution they may apply any of the District Funds, and exercise any of their Powers of assessing and recovering Taxes and borrowing Money, for the Purpose of defraying the Costs and Expenses of and incident to the carrying into effect any such Resolution, and if and when they may think it necessary so to do they may determine whether the whole or any and what Proportion of any Tax or Rate to be imposed by them, or of any Money to be borrowed by them, shall

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shall be deemed applicable to that Purpose; but subject to the following Restriction:

When a Part only of the Owners or Occupiers of Land in the District are directly interested in the Repair of any Road or Drove-way therein it shall be the Duty of the District Commissioners to come to such Determination as aforesaid, and to exempt every Tax or Ratepayer not directly interested in the Repair from any such Tax or Rate or Proportion of Tax or Rate (as the Case may be) determined to be applicable for the Purpose of such Repair, and to repay any Money borrowed for that Purpose out of Taxes or Rates to be levied solely on the Owners or Occupiers directly interested in the Repair.

127. If any Person shall feel himself aggrieved by any Determination, Act, or Proceeding of any District Commissioners under the last preceding Section he may appeal to Two or more Justices in Petty Sessions assembled, who shall have full Power to determine whether or not such Person is or is not directly interested in the Repair of any such Road or Drove-way, and shall confirm or annul the Proceedings of the District Commissioners accordingly.

Appeals
against Acts,
&c. of Dis-
trict Com-
missioners.

128. In exercise of the Powers by this Part of this Act granted to or conferred upon District Commissioners as to the Repair of Roads or Drove-ways, such District Commissioners may do all or any of the following Acts or Proceedings:

Powers as to
Repair of
Roads.

1. They may form and make, repair and keep up, permanent Carriage Roads or Tramways of or upon any Roads or Drove-ways within the Limits of the District for which they are acting, and may gravel or metal and quick-fence or inclose the same, and form, make, repair, and keep up Footpaths upon or along the Sides of any such Road or Drove-way:
2. They may take and dig Gravel or other Materials in or from any Road or Drove-way in the District for which they are acting:
3. They may dig, clamp, and burn any Clay or other Materials found or being in or upon any Road or Drove-way within the District for which they are acting, and suitable for forming or making permanent Roads:
4. They may cut, dig, and sell any Turf or Peat suitable for Fuel being in any such Road or Drove-way or the Sides thereof, and sell and demise, or grant Leave or Licence to any other Person so to do, and apply the net Proceeds of every such Sale and the Purchase or Consideration Money to be paid for such Leave or Licence towards the Expenses of forming, making, or repairing any such Carriage Road, Tramway, or Footpath in the District wherein such Turf or Peat shall be found:

5. They

Middle Level Act, 1862.

5. They may, by Agreement, as herein-after mentioned or provided for, form, make, and keep in repair any such permanent Carriage Road, Tramway, or Footpath upon or along any existing Road or Drove way leading to or from but which extends beyond the Limits of any such District :
6. They may do all other Works in connexion with and necessary to the effectual forming, making, and repairing any such permanent Carriage Road, Tramway, or Footpath, and exercise any other Powers in relation thereto by this Part of this Act conferred upon them :
7. They may make Byelaws for regulating the Use of any such Tramway or Footpath, and impose such reasonable Penalties upon all Persons offending against such Byelaws as they may think fit, not exceeding Two Pounds for any One Offence.

Commissioners of Two or more Districts and Owners of Lands out of District may agree.

129. In case any Road or Drove way shall extend into the Limits of and be common to Two or more Districts, or shall extend beyond the Limits of any District, and be common to the same and the Owners and Occupiers of any other Lands, the District Commissioners acting for such Districts respectively may agree with the District Commissioners of any other District, or with the Owners of such other Lands, as the Case may be, for the Repair of any such Road or Drove way under the Provisions of this Act, out of a Tax or Rate or Fund to be levied, borrowed, or contributed by the District Commissioners of such several Districts respectively, or such District Commissioners and Owners of such other Lands, as the Case may be, at such Times, in such Proportions, and to continue for such Term, and upon and subject to such Terms and Conditions, as the Parties so agreeing may think fit ; and the Repairs contemplated or provided for by any such Agreement may be executed by or under the Superintendence of any of the Parties to such Agreement, or of any Committee of the respective District Commissioners, or other Persons, as may be determined ; and such Parties or Committee shall have such and the same Powers for collecting and enforcing the Payment of any Money so agreed to be paid, when and in case the same shall be in arrear and unpaid, as any District Commissioners have, or are by this Part of this Act entitled to, for Recovery of Taxes or Rates authorized to be imposed by them when in arrear.

As to Dedication of Roads repaired as Highways.

130. After any such Road or Drove way shall have been made a permanent Road and put into a substantial State of Repair by or at the Expense, or partly at the Expense, of any District Commissioners, such District Commissioners may and they are hereby authorized, if they think fit so to do, to give such Notice as for the Time being may, by any Act or Acts of Parliament then in force relating to Highways

Middle Level Act, 1862.

Highways in *England*, be authorized to be given of an Intention to dedicate such Road or Droveaway as a Highway to the Use of the Public; and every such Notice shall be valid if signed by Three of the District Commissioners; and thereupon such Proceedings shall be had and taken for determining the Utility of any such proposed Highway, or otherwise in relation thereto, as in and by any such Act or Acts of Parliament shall or may be contained or provided.

131. In case the Herbage upon any Road or Droveaway which, under the Provisions in that Behalf of this Part of this Act, may be repaired by any District Commissioners, or to the Expense whereof they may contribute, shall be liable to be let under the Provisions of any Act of Parliament, and the Rents or Proceeds whereof shall be applicable to the Repair of such Road or Droveaway, or in case any Road or Droveaway shall have been let by any District Commissioners for a Period of Twenty Years or upwards immediately preceding the passing of this Act, and the Rents or Proceeds thereof shall have been so applied, then and in any such Case such Rents or Proceeds shall immediately from and thenceforth after such Repairs shall be commenced by any District Commissioners, or to the Expense whereof they shall have agreed to contribute, be paid to them, to be applied towards the Expense of such Repairs; and in case more than One Body of District Commissioners or other Persons shall be contributing towards the Expense of such Repairs, the same Rents or Proceeds shall be paid to such One of the contributing Parties or Body of Commissioners as they together shall appoint to receive the same, and after, and in case any such Road or Droveaway shall be dedicated and adopted as a public Highway, such Rents and Proceeds shall thenceforth be paid to the Surveyor of the Highways having Charge of such Highway, or to the Corporation or Person filling that Office, to be applied as Part of the Highway Funds.

As to the
Rents of
Roads and
Droveaways
let.

132. Nothing in this Part of this Act contained shall extend to take away any Right of Pasturage on any such Road or Droveaway, or to prejudice or affect the Title of any Person or Corporation to any Lands; and in the Execution of the Powers by this Part of this Act given to or conferred upon District Commissioners as to the Repair of Roads or Droveaways, they shall do as little Damage as may be, and for any Damage done or Injury caused to any Person by any of their Acts or Proceedings they shall make Satisfaction according to the Provisions of the "Lands Clauses Consolidation Act, 1845:" Provided that as to any Claim for Compensation that may be made for or in respect of Damage or Injury to any Right of Pasturage, any District Commissioners shall not be liable to make any Compensation for the same unless the Injury caused to any such Right shall be of greater Amount or Value than the permanent Benefit to such

Reserving
Rights of
Pasturage.

Parties in-
jured to be
compen-
sated.

[*Local.*]

31 L

Herbage

Middle Level Act, 1862.

Herbage to be conferred or caused by the Acts or Proceedings of the District Commissioners; and in case of Difference between any Claimants and District Commissioners as to whether the permanent Injury or Benefit to such Herbage will be the greater, the Question so in difference shall be referred to and finally determined by Two or more Justices in Petty Sessions assembled.

Mode of letting Road and Drove-ways.

133. Any District Commissioners or other Persons having the Power of letting the Herbage of any such Road or Drove-way may let the same from Year to Year, or for any Term not exceeding Three Years, either by Public Auction or Private Contract, and at any such Auction they may fix such Reserve Bid as they may think reasonable.

PART 8.—GENERAL AND MISCELLANEOUS PROVISIONS.

Incorporation of Part of 8 & 9 Vict. c. 20.

134. The Provisions of the "Railways Clauses Consolidation Act, 1845," with respect to—

The Settlement of Disputes by Arbitration, shall be incorporated with this Act.

As to Settlement of Disputes for Lands taken or injured under Powers of existing Acts.

135. If under the Powers by this Act transferred to or conferred upon the *Middle Level* Commissioners or the *Sutton and Manea* Committee, or if under the Powers conferred upon any District Commissioners by any Act set forth or referred to in the Second Schedule hereto, the *Middle Level* Commissioners, or the *Sutton and Manea* Committee, or any District Commissioners, shall take or enter upon the Lands of any Person for the Purposes and in pursuance of the Powers given by this or any such Act, then and in every such Case the Compensation to be paid for or in respect of any Lands so taken or injured shall, in case of Dispute, be settled and determined in manner provided by the "Lands Clauses Consolidation Act, 1845;" and for such Purpose, and for the Purchase of Lands by Agreement, the "Lands Clauses Consolidation Act, 1845," shall be deemed to be incorporated with this Act; and the *Middle Level* Commissioners, or the *Sutton and Manea* Committee, or the particular District Commissioners (as the Case may be) for the Time being exercising such Powers, shall be deemed to be the "Promoters of the Undertaking" within the Meaning of the "Lands Clauses Consolidation Act, 1845."

Persons under Disability authorized to act.

136. Any of the Powers by this Act given to or authorized to be executed by any Owner of Lands in regard to the Redemption of Taxes, or the making or Repair of Roads or Drove-ways, or otherwise, may be exercised by any of the Parties under Disability enabled to sell and convey Lands by the Seventh Section of "The Lands Clauses Consolidation Act, 1845."

137. And

Middle Level Act, 1862.

137. And whereas in order to enable the Proprietors of the Lands in *Chatteris Byal Fen*, and certain Lands adjoining called *Witchford Parts* and *Wentworth Parts*, herein-after referred to as *Byal Fen*, containing altogether about Five hundred and fifty Acres, to convey the Waters from the said Fen and Lands into the *Forty Feet River* or into the *Sixteen Feet River*, the *Middle Level* Drainage Commissioners were by "The *Middle Level* Drainage Amendment Act, 1848," Section Fifty-one, required at their own Cost and Charges to make and maintain a Drain, to commence at such Point, and to proceed in such Direction, and to be of such Size and Dimensions, as the Engineer of the *Middle Level* Drainage Commissioners in his Discretion should think proper: And whereas it having been found that the Drainage of the last-mentioned Lands could be effected by the Commissioners of *Wimblington* Second District, by their draining the same in common with their own District, the *Middle Level* Drainage Commissioners have not yet made the Drain so provided for, but have paid the Commissioners of *Wimblington* Second District the annual Sum of Fifty Pounds for conveying the Waters from *Byal Fen* into the Drains of the said *Wimblington* Second District, and it is expedient that the following Provisions in relation to the Drainage of the said Fen and Parts should be made: Therefore the *Middle Level* Commissioners may either make such Drain as is provided for by "The *Middle Level* Drainage Amendment Act, 1848," or the *Middle Level* Commissioners and the Commissioners of *Wimblington* Second District may from Time to Time agree that on Payment by the former to the latter Commissioners of such yearly or gross Sum, and for such Term as may be agreed upon, the Commissioners of *Wimblington* Second District shall provide an effectual Drainage for *Byal Fen*, and convey into the Drains of the *Wimblington* Second District, or some of them, the Waters from that Fen, and during the Continuance of every or any such Agreement the *Middle Level* Commissioners shall be free from all further or other Liability in respect of the Drainage thereof.

Byal Fen,
&c. may be
drained with
Wimbling-
ton Second
District.

138. In order to provide for Arrangements between the Owners of the said Lands in *Byal Fen* and the *Middle Level* Commissioners as to the Drainage of that Fen, and to enable those Owners to avail themselves of the Provisions in this Act contained with respect to the Repair and Dedication of Roads and Drove ways, all Owners of Ten Acres of Land lying within that Fen are hereby constituted a Committee for those Purposes, to be called "*Byal Fen* Committee."

Constitution
of Byal Fen
Committee.

139. The *Byal Fen* Committee may exercise all or any of the following Powers:

Powers of
Byal Fen
Committee.

1. They may agree with the *Middle Level* Commissioners, on Payment of a specified gross yearly or other Sum, to exonerate those

Middle Level Act, 1862.

those Commissioners from all Liability to make a Drain or provide for the Drainage of *Byal Fen* :

2. Or they may from Time to Time by special Order provide for the Drainage, or for improving the Drainage thereof, in such other Manner and by such other Means as they may think fit, and cut any Drain (not exceeding Eleven Feet in Width at the Bottom), or do any Works which they may deem necessary for that Purpose :
3. They may, by special Order, make Byelaws requiring the Occupiers of Lands in *Byal Fen* to make their Division Dikes of such Width and Depth as may be deemed sufficient for the proper Drainage thereof, and may enforce the Observance of such Byelaws by a Penalty to be stated in any such Order, but not exceeding in any Case the Sum of Forty Shillings :
4. They may exercise all or any of the Powers by this Act conferred upon the Commissioners of Districts constituted by any of the Acts referred to in the Second Schedule hereto with respect to the Repair and Dedication of Roads or Drove ways within the Limits of or leading to or from *Byal Fen* :
5. They may assess and levy an equal Acre Tax not exceeding Five Shillings *per* Acre in any Year on each and every Acre of Land in *Byal Fen*, which Tax shall be payable at such Place and Time as they may appoint, and shall, with the like Penalty in case of Nonpayment thereof for Three Months after the same shall become due, be recoverable in the like Manner and by the same or similar Ways and Means as any Taxes authorized to be imposed by the *Middle Level* Commissioners are by the *Middle Level* Acts or any of them or by this Act authorized to be recovered :
6. They may, by special Order only, borrow not exceeding One thousand five hundred Pounds on Mortgage of the Tax which they are authorized to levy.

Certain
Parts of
8 & 9 Vict.
c. 16. incor-
porated.

140. The Provisions of "The Commissioners Clauses Act, 1847," which under the Provisions of this Act are or are authorized to be incorporated with the Act or Acts of Parliament mentioned in the Second Schedule hereto, together with Sections Thirty-six and One hundred and four of the same Act, and so much of Section Forty as provides for an Annual Meeting of Commissioners, shall be binding on and be observed by the *Byal Fen* Committee ; and in the Construction of this Section, and the Provisions so incorporated in connexion therewith, the Provisions of this Act relating to the *Byal Fen* Committee shall constitute the "Special Act."

141. The

Middle Level Act, 1862.

141. The Conservators of the *Ouse* Outfall shall and may exercise all such and the same or similar Powers with regard to the voluntary or compulsory Redemption of Taxes authorized to be assessed by them upon any Land distinguished by a separate Number on the aforesaid "*Lenny's Plan*," or any Part or Subdivision of any Lands so distinguished, and the yearly Taxes to which the same are liable to be assessed by those Conservators shall not exceed Two Shillings and Sixpence *per* Year, as by this Act are conferred upon the *Middle Level* Commissioners in regard to Taxes which they are authorized to assess not exceeding the like Amount; and all and singular the Provisions contained in this Act with respect to the voluntary or compulsory Redemption of any such Taxes by the *Middle Level* Commissioners shall, *mutatis mutandis*, apply and extend to Taxes authorized to be assessed by the Conservators of the *Ouse* Outfall.

As to the Redemption of small Taxes payable to the *Ouse* Outfall Board.

142. Whereas by the Act of the Thirty-first Year of *George* the 3rd, Cap. 81, relating to Lands in the Parishes of *Chatteris*, *Doddington*, and *Wimblington*, recited in the Second Schedule hereto, certain Owners of Lands were constituted Commissioners for embanking (*inter alia*) the North and North-west Sides of a Drain called *Thurloe's* or the *Sixteen Feet Drain*, and certain other Owners of Land were constituted Commissioners for draining, and certain Persons were appointed Commissioners for inclosing, and a certain Strip of Land, Part of the *Low* or *Cow Common* in *Wimblington*, next to the said *Sixteen Feet Drain*, One hundred Feet wide, and in Length the Extent of the said Common next the said Drain, was authorized to be and was afterwards set out for repairing the Bank of the said Drain next the said Common, and the Commissioners for embanking were empowered to let the said Bank and to apply the Money arising therefrom for and towards the Repair of the said Bank: And whereas under the *Middle Level* Acts, some or One of them, the Sum of One hundred and seventy-five Pounds was on or about the Seventh Day of *September* One thousand eight hundred and forty-nine paid to certain Persons as Trustees for the Purchase of Part of the said Bank and Strip of Land, which under the Powers of the *Middle Level* Acts was required and taken for the Purpose of widening and deepening the said *Sixteen Feet Drain*, and the further Sum of One hundred Pounds was at the same Time paid to certain other Persons as Trustees as Compensation for Injury caused by Severance, and for the Use and Occupation by the *Middle Level* Commissioners as long as might be necessary of other Part of the said Bank and Strip of Land for depositing thereon temporarily or permanently the Earth, Soil, and Materials taken out of the said *Sixteen Feet Drain*: And whereas no Tax hath been laid by the Commissioners for embanking, nor hath any Money been expended by them

As to Bank and Strip of Land in *Wimblington* Common District.

[*Local.*]

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in

Middle Level Act, 1862.

in or about embanking for some Years past : And whereas the Commissioners for draining the District within which such Common is situate (usually called "*The Wimblington Common District*") are willing to undertake the Maintenance and Repair of the said Bank from a certain Bridge in *Wimblington* aforesaid, called *Boots Bridge*, to the Parish of *Chatteris*, on receiving the future Rents of the said Strip of Land and of the said Bank, and it is considered just that they should be allowed and authorized so to do, and that the said Sums of One hundred and seventy-five Pounds and One hundred Pounds should be paid and expended as herein-after authorized : Therefore so much of the said recited Act as authorizes the Commissioners for embanking to let the said Strip of Land, and receive and apply the Rents thereof, shall be and the same is hereby repealed, and instead thereof the said Strip of Land and the said Bank, the whole Length of the said Strip of Land, shall be and the same are hereby vested in the Commissioners of the said *Wimblington Common District* ; and such last-mentioned Commissioners shall and may, subject to any existing Demise or Agreement for the Occupation thereof, let the same from Year to Year or for any Term not exceeding Seven Years, to be fed or depastured with Sheep or young Cattle under Two Years old only, at such Rents and upon such Terms in other respects as such Commissioners may think fit, and to receive the Rents thereof and apply the same as Part of their District Funds, and they shall from Time to Time and at all Times out of their District Funds maintain and keep in repair the said Bank, from *Boots Bridge* aforesaid to the said Parish of *Chatteris*, in such Manner as if this Act had not been passed the said Commissioners for embanking would have been liable to maintain and keep the same, and the said Commissioners for embanking shall, from and after the Commencement of this Act, be released from all Liability or Obligation whatsoever for the future Maintenance or Repair of the said Bank from *Boots Bridge* aforesaid to the said Parish of *Chatteris*, or otherwise in respect thereof.

As to Application of Compensation Monies paid in respect of said Bank and Strip of Land.

143. The said Sum of One hundred Pounds shall, on or before the Thirty-first Day of *May* One thousand eight hundred and sixty-three, be paid over to the Commissioners of the said *Wimblington Common District* on the Receipt of any Three or more of them (which shall be a sufficient Discharge for the same), to be by those Commissioners applied in aid of their District Funds, or for the common Benefit of such District in or about the Repair and Improvement of the Occupation Roads or Drove-ways therein, or in or towards some other Work of a permanent kind in or relating to the said District ; and the said Sum of One hundred and seventy-five Pounds shall belong and be paid to the said Commissioners for embanking, and be applied by them in or about the Repair or Improvement of the

Middle Level Act, 1862.

the Occupation Roads or Drove ways in the said District for embanking, or in or towards any other Work or Works, or otherwise for the general Benefit of the said District for embanking, as at any Time or from Time to Time the Commissioners for embanking shall, at any Meeting of those Commissioners duly convened, order or direct; provided that no Part of the said Sum of One hundred and seventy-five Pounds shall be expended in or for the Benefit of the said *Wimblington Common* District, nor shall any Owner or Occupier of Land in that District in his Capacity of a Commissioner for embanking or otherwise have any Voice in the Application thereof.

144. Provided always, That nothing in this Act contained shall be held or taken to alter, diminish, or in anywise affect the Right or accustomed Privilege, if any, of the Commissioners of *Sutton and Mepal* District, or of any Owners or Occupiers of Lands lying in or adjoining or near to the said District, or any other Commissioners or Owners or Occupiers of Land, to draw or take Water through the Tunnel at the Top of *Sutton Middlemore* near *Earith*, or by or at the Sluice in the *Great Dike* near *Mepal*, or from, through, or under the *Old Bedford River*, for the Use of any of such Districts or Lands, but that the said Commissioners, Owners, and Occupiers shall from and after the Commencement of this Act continue to have and enjoy such Rights and Privileges as they have heretofore had or enjoyed.

Saving Fresh
Water
Rights.

145. Nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, diminish, alter, affect, or take away any of the Rights, Powers, Privileges, or Authorities vested in the *Wisbech Canal Company* or their Committee, or in the Canal and *Nene Trustees*, save and except only so far as such Rights, Powers, Privileges, or Authorities are varied or affected by this Act.

Saving
Rights of
Wisbech
Canal Com-
pany and
Canal and
Nene Trus-
tees.

146. Nothing in this Act shall extend or be construed to extend to take away, lessen, prejudice, or alter any of the Estates, Rights, Privileges, Liberties, or Jurisdictions whatever which the *River Ouse Haling Commissioners* (County of *Norfolk*) were possessed of or had a Right to by virtue of any Statute, Prescription, Custom, or otherwise immediately before the Commencement of this Act, so far as the same are not hereby expressly altered or varied.

Saving
Rights of
Haling Com-
missioners.

147. Nothing in this Act contained shall diminish, prejudice, take away, alter, suspend, affect, or dispense with any Right, Power, Authority, Consent, Privilege, or Jurisdiction of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or of the Commissioners for executing the Office of Lord High Admiral.

Saving
Rights of
the Admi-
ralty.

148. All

Middle Level Act, 1862.

Provisions of
Acts relating
to the Ad-
miralty to
remain in
force.

148. All and every the Provisions of any and every Act of Parliament conferring any Power upon, or requiring the Sanction or Approval of, or relating to the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, and affecting the said Drainage and Navigation, or either of them, or any Works thereof or connected therewith, and which immediately before the passing of this Act are in force, shall continue and remain in force, anything in this Act contained to the contrary notwithstanding.

Middle
Level Com-
missioners
not exempted
from future
General Acts
relating to
Navigations.

149. Nothing in this Act contained shall extend to exempt the *Middle Level* Commissioners, or the Navigations transferred to them by this Act, from the Provisions of any General Act relating to Navigations now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Tolls or Rates authorized by this Act or any other Act to be taken upon or in respect of the said Navigations or any Part thereof.

Expenses of
the Act.

150. All the Costs, Charges, and Expenses paid or incurred by the *Middle Level* Drainage Commissioners of or in relation to the applying for, obtaining, and passing of this Act, or preparatory or incident thereto, shall be paid by the *Middle Level* Commissioners as to one Moiety thereof out of their general Funds, and as to the other Moiety thereof by those Commissioners out of the Adventurers Account by this Act directed to be kept by them.

Middle Level Act, 1862.

THE FIRST SCHEDULE.

No. on Plan called "Plan of Part of the Bedford Level and Lands adjacent; by J. G. Lenny, 1833."	OWNERS.	Quantity.
	IN THE PARISH OF DENVER.	A. R. P.
6	Bedford Level Corporation - - - - -	6 2 20
7	Ditto - - - - -	6 2 33
8	Ditto - - - - -	23 1 0
	(The above are called the Long Wash.)	
9	Denver Charity Trustees - - - - -	45 3 0
10	Hugh Wooll, late John Flatt - - - - -	106 3 2
11	late John Gamble - - - - -	120 0 20
	IN THE PARISH OF UPWELL.	
5	Charles Watson Townley, Esq. - - - - -	59 2 18
6	Bedford Level Corporation - - - - -	9 1 39
7	Ditto - - - - -	5 3 20
8	Ditto - - - - -	2 1 21

THE SECOND SCHEDULE.

Dates and References to District Acts.	Parishes within which the Lands to which the same relate are situate.	Titles of the Acts.
(1801) 41 Geo. III. c. 34. (Local and Personal).	Upwell, Outwell, Denver, and Welney.	An Act for more effectually draining and improving certain Fen Lands within the Manors and Parishes of Upwell and Outwell, and in the Parishes of Denver and Welney, in the Isle of Ely and Counties of Cambridge and Norfolk.
(1771) 11 Geo. III. c. 83. (Private Act, not printed).	Upwell (Ladus Fen) -	An Act for draining and preserving certain Fen Lands and Low Grounds in Ladus Fen in the Isle of Ely.
(1759) 32 Geo. II. c. 13. (Public Act).	Somersham, Pidley with Fenton, and Colne.	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.
(1775) 15 Geo. III. c. 65. (Public Act).	Ramsey, Bury, Wistow, Warboys, Somersham, Colne, Pidley with Fenton, Chatteris, and Doddington.	An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons in the several Parishes of Ramsey, Bury, Wistow, Warboys, Somersham, Colne, and Pidley with Fenton, in the County of Huntingdon, and in the Parishes of Chatteris and Doddington, within the Isle of Ely, in the County of Cambridge.

[Local.]

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*Middle Level Act, 1862.*THE SECOND SCHEDULE—(*continued*).

Dates and References to District Acts.	Parishes within which the Lands to which the same relate are situate.	Titles of the Acts.
(1796) 36 Geo. III. c. 72. (Public Act).	Ramsey, Bury, Wistow, Warboys, Farcet, Standground, Water Newton, and Doddington (Middle Moor, &c. Six Districts).	An Act for dividing, allotting, inclosing, draining, and preserving certain Commons and Waste Grounds called the Hern Common and Gore Common, within the Manor and Parish of Ramsey, in the County of Huntingdon, and for repealing an Act made in the Thirtieth 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 Ramsey, " Bury, Wistow, Warboys, Farceitt, Stand- " ground, and Water Newton, in the County of " Huntingdon, and of Doddington in the Isle of " Ely and County of Cambridge," and for making more effectual Provision for those Purposes.
(1818) 58 Geo. III. c. 49. (Local and Personal).	Ditto - - -	An Act for altering and enlarging the Powers of an Act of the Thirty-sixth Year of His present Majesty, for dividing, allotting, inclosing, draining, and preserving certain Commons and Waste Grounds within the Manor and Parish of Ramsey in the County of Huntingdon, and for repealing a certain Act therein mentioned.
(1772) 12 Geo. III. c. 26. (Public Act).	Ramsey, Doddington, March, Benwick, Wimblington, and Chatteris (North of the Forty Feet: Five Districts for Drainage and Two for imbanking).	An Act for imbanking, draining, and preserving certain Fen Lands and Low Grounds in the Parish of Ramsey in the County of Huntingdon, and in the Parishes of Doddington, March, Benwick, Wimblington, and Chatteris, within the Isle of Ely, in the County of Cambridge, and for amending the Road from a certain Bridge in the Parish of Chatteris aforesaid, called Carter's Bridge, by a Drain called Vermuyden's or the Forty Feet Drain, to a Bridge called the Forty Feet Bridge in the said Parish of Ramsey.
(1800) 39 & 40 Geo. III. c. 40. (Local and Personal).	Ramsey, Doddington, March, Benwick, Wimblington, and Chatteris, North of the Forty Feet: (Upper District for embanking).	An Act for amending and making more effectual an Act passed in the Twelfth Year of the Reign of His present Majesty, for embanking, draining, and preserving certain Fen Lands and Low Grounds in the Parish of Ramsey in the County of Huntingdon, and in the Parishes of Doddington, March, Benwick, Wimblington, and Chatteris, within the Isle of Ely, in the County of Cambridge, and for amending the Road from a certain Bridge in the Parish of Chatteris aforesaid, called Carter's Bridge; by a Drain called Vermuyden's or the Forty Feet Drain, to a Bridge called the Forty Feet Bridge in the said Parish of Ramsey, so far as the said Act relates to embanking the Lands therein described, called by the Name of the Upper District or Division.
(1849) 12 & 13 Vict. c. 24. (Local and Personal).	Ditto (Fifth or Ransommoor District for Drainage).	An Act to amend an Act of the Twelfth Year of the Reign of King George the Third, for embanking, draining, and preserving certain Fen Lands and Low Grounds in the Parish of Ramsey in the County of Huntingdon, and in the Parishes of Doddington, March, Benwick, Wimblington, and Chatteris, within the Isle of Ely and County of Cambridge, so far as relates to the Lower or Fifth District, and to annex other Lands thereto.

Middle Level Act, 1862.

THE SECOND SCHEDULE—(continued).

Dates and References to District Acts.	Parishes within which the Lands to which the same relate are situate.	Titles of the Acts.
(1804) 44 Geo. III. c. 15. (Local and Personal).	Ramsey and Bury	An Act for draining and improving certain Fen Lands and Low Grounds within the Parishes of Ramsey and Bury in the County of Huntingdon.
(1850) 13 Vict. c. 12. (Local and Personal).	Ramsey, Upwood, and Great Raveley.	An Act for the more effectual Drainage and Improvement of certain Lands in the Parishes of Ramsey, Upwood, and Great Raveley, all in the County of Huntingdon.
(1767) 7 Geo. III. c. 37. (Private Act, not printed).	Benwick, Whittlesey, Ramsey, and Farcet (White Fen).	An Act for more effectually draining and preserving certain Fen Lands and Low Grounds in the Hamlet of Benwick in the Parish of Doddington, Whittlesey, Ramsey, and Farcet, in the Isle of Ely and Counties of Cambridge and Huntingdon.
(1758) 31 Geo. II. c. 19. (Public Act).	Chatteris and Doddington (Curff and Normoor).	An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons in the Parishes of Chatteris and Doddington, in the Isle of Ely, in the County of Cambridge.
(1768) 8 & 9 Geo. III. Sess. 2. c. 30. (Private Act, not printed).	Wimblington and Chatteris.	An Act for the more effectual draining, embanking, and preserving certain Fen Lands and Low Grounds in the Hamlet of Wimblington in the Parish of Doddington, and in the Parish of Chatteris, within the Isle of Ely, in the County of Cambridge.
(1810) 50 Geo. III. c. 143. (Local and Personal).	Ditto. (Second District.)	An Act for amending and enlarging the Powers of an Act of the Ninth Year of His present Majesty, for the more effectual draining and preserving certain Fen Lands and Low Grounds in the Hamlet of Wimblington in the Parish of Doddington, and in the Parish of Chatteris, in the Isle of Ely, in the County of Cambridge, so far as the said Act relates to the Lands in the Second District therein described.
(1791) 31 Geo. III. c. 81. (Public Act).	Chatteris, Doddington, and Wimblington.	An Act for imbanking and draining certain Fen Lands and Low Grounds within the Parishes of Chatteris and Doddington, and Hamlet of Wimblington in the said Parish of Doddington, in the Isle of Ely and County of Cambridge, and for dividing, allotting, and inclosing the Commons and Waste Lands within the said Hamlet of Wimblington.
(1757) 30 Geo. II. c. 36. (Public Act).	March, Wimblington, and Upwell. (Six Districts.)	An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons in the Townships or Hamlets of March and Wimblington, and in the Parish of Upwell, in the Isle of Ely and County of Cambridge.
(1810) 50 Geo. III. c. 78. (Local and Personal).	Ditto. (First and Second Districts.)	An Act to amend and render more effectual Two Acts of His late and present Majesty, for draining, preserving, and inclosing Lands in March, Wimblington, and Upwell, in the Isle of Ely and County of Cambridge, so far as the said Acts relate to the First and Second Districts therein mentioned.

Middle Level Act, 1862.

THE SECOND SCHEDULE—(continued).

Dates and References to District Acts.	Parishes within which the Lands to which the same relate are situate.	Titles of the Acts.
(1792) 32 Geo. III. c. 108. (Public Act).	March - - -	An Act for dividing, allotting, and inclosing the Commons and Waste Grounds within the Town or Hamlet of March, in the Manor and Parish of Doddington, in the Isle of Ely and County of Cambridge, and for altering and amending an Act passed 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.
(1795) 35 Geo. III. c. 48. (Public Act).	March. (Fourth District.)	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.
(1828) 9 Geo. IV. c. 40. (Local and Personal).	Ditto ditto -	An Act for amending Three Acts of the Thirtieth Year of King George the Second, and the Thirty-second and Thirty-fifth Years of His late Majesty King George the Third, 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, called the Fourth District.
(1774) 14 Geo. III. c. 16. (Public Act).	March. (Sixth District.)	An Act for amending and rendering more effectual an Act made in the Thirtieth Year of the Reign of His late Majesty King George the Second, intituled "An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons in the Townships or Hamlets of March and Wimblington, and in the Parish of Upwell, in the Isle of Ely and County of Cambridge," so far as the same relates to the several Fen Lands and Low Grounds lying in the Sixth District in the said Act described.
(1748) 22 Geo. II. c. 19. (Public Act).	Whittlesea. (Five Districts.)	An Act for the more effectual draining and preserving of several Fen Lands and Field Lands in the Bounds and Precincts of Whittlesey, in the Isle of Ely, in the County of Cambridge.
(1772) 12 Geo. III. c. 27. (Public Act).	Whittlesea. (Third, Fourth, and Fifth Districts.)	An Act to amend and render more effectual an Act made in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled "An Act for the more effectual draining and preserving of several Fen Lands and Field Lands in the Bounds and Precincts of Whittlesey, in the Isle of Ely, in the County of Cambridge," so far as the same relates to the several Fen and Field Lands lying in the Third, Fourth, and Fifth Districts described in the said Act.

Middle Level Act, 1862.

THE SECOND SCHEDULE—(continued).

Dates and References to District Acts.	Parishes within which the Lands to which the same relate are situate.	Titles of the Acts.
(1797) 37 Geo. III. c. 68. (Public Act).	Whittlesea. (Second, Third, Fourth and Fifth Districts.)	An Act for charging the Fen Lands and Low Grounds within the Second, Third, Fourth, and Fifth Districts, in the Bounds and Precincts of Whittlesey in the Isle of Ely and County of Cambridge, with further Taxes for discharging the Debts incurred by the Commissioners for the said Districts respectively, under certain Acts passed in the Twenty-second Year of King George the Second and in the Twelfth Year of His present Majesty, and for better improving, supporting, and preserving the Drainage of the said Lands and Grounds.
(1795) 35 Geo. III. c. 108. (Private Act).	Warboys - -	An Act for dividing, inclosing, and draining the open Common Fields, Common Pastures, Commonable and Waste Lands, and Fen Lands within the Manor and Parish of Warboys in the County of Huntingdon.
(1776) 16 Geo. III. c. 64. (Public Act).	Glatton and Holme -	An Act for draining, embanking, and preserving certain Fen Lands and Low Grounds called the Parts and Alderlots in the Parishes of Glatton and Holme in the County of Huntingdon.
(1810) 50 Geo. III. c. 80. (Local and Personal).	Stilton - - -	An Act for draining and improving certain Fen Lands and Low Grounds in the Parish of Stilton in the County of Huntingdon.
(1773) 13 Geo. III. c. 46. (Public Act).	Yaxley - - -	An Act for the more effectual draining and preserving certain Fen Lands and Low Grounds in the Parish of Yaxley in the County of Huntingdon.
(1852) 15 Vict. c. 5. (Local and Personal).	Ditto - - -	An Act to amend an Act for draining certain Fen Lands and Low Grounds in the Parish of Yaxley in the County of Huntingdon, and to remove certain Doubts, and facilitate the Execution of the said Act.
(1831) 1 W. IV. c. 53. (Local and Personal).	Yaxley. (Undrained Fen.)	An Act for embanking, draining, improving, and preserving certain Fen Lands and Low Grounds lying in the Parish of Yaxley in the County of Huntingdon, called "The undrained Fen."
(1773) 13 Geo. III. c. 39. (Public Act).	Farcet - - -	An Act for draining and preserving certain Fen Lands and Low Grounds called King's Delph and Eight Roods, and also other Fen Lands and Low Grounds in a certain Place called Farcett Fen adjoining thereto, lying near to the Hamlet and Village of Farcett and Stand-ground in the County of Huntingdon.
(1748) 22 Geo. II. c. 11. (Public Act).	Sutton, Mepal, Wit- cham, Chatteris, Doddington, Byal Fen, Somersham, and Pidley with Fenton.	An Act for draining and preserving certain Fen Lands and Low Grounds in the several Parishes of Sutton, Mepall, Witcham, Chatteris, Doddington, and a Place called Byal Fen, in the Isle of Ely and County of Cambridge, and also in the Parishes of Somersham and Pidley with Fenton in the County of Huntingdon.

[Local.]

Middle Level Act, 1862.

THE SECOND SCHEDULE—(continued).

Dates and References to District Acts.	Parishes within which the Lands to which the same relate are situate.	Titles of the Acts.
(1777) 17 Geo. III. c. 65. (Public Act).	Sutton, Mepal, Witcham, Chatteris, and Byal Fen.	An Act for amending and rendering more effectual an Act made in the Twenty-second Year of the Reign of 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," so far as the same relates to the 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.
(1806) 46 Geo. III. c. 96. (Local and Personal).	Ditto - - -	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.
(1747) 21 Geo. II. c. 18. (Public Act).	Manea, Upwell, Welney, Downham, Witcham, and Byal Fen.	An Act for draining and preserving certain Fen Lands in the several Parishes of Maney, Upwell, Welney, Downham, Witcham, and in a certain Extra-parochial Place in Byal Fen, within the Isle of Ely and County of Cambridge.
(1800) 39 and 40 Geo. III. c. 1. (Local and Personal).	Ditto - - -	An Act for altering, amending, and rendering more effectual an Act made in the Twenty-first Year of the Reign of King George the Second, intituled "An Act for draining and preserving certain Fen Lands in the several Parishes of Maney, Upwell, Welney, Downham, Witcham, and in a certain Extra-parochial Place in Byal Fen, within the Isle of Ely and County of Cambridge."

THE THIRD SCHEDULE.

Sections of the Nene Navigation Act (27 Geo. II. Cap. 12.) repealed by the foregoing Act.

N.B.—The Sections are numbered as in the Queen's Printers Edition of 1844.

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
1	Commissioners appointed for preserving the Navigation of the Rivers.
2	Inhabitants to meet annually in their respective Vestries on Monday in Easter Week, and choose Commissioners for the Purposes of this Act.

Middle Level Act, 1862.

THE THIRD SCHEDULE—(continued).

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
3	Certificates of the Persons so chosen to be transmitted to the other Commissioners appointed by this Act. Form of the Certificate. Fee for signing Certificates.
4	Inhabitants neglecting to choose Commissioners, they are then to be chosen by the Commissioners at their next Meeting.
5	Vacancies of Commissioners by Death, Disqualification, &c. to be filled up within a Month. Notice to be given of Meetings for that Purpose. Inhabitants neglecting to make a Choice, Commissioners to elect.
6	Qualification of Commissioners. Penalty for acting if not qualified.
7	Places and Times appointed for the Meetings of the Commissioners.
8	Annual General Meeting of the Trustees. Meetings in the Intervals where to be held.
9	Commissioners may adjourn de die in diem. To pay their own Expenses.
10	Fourteen Days public Notice to be given of the Meetings of Commissioners.
11	Times prohibited for holding of Meetings.
16	Commissioners at their First Meeting to appoint Collectors and Receivers, who are to give Security. Collectors to be sworn, and to account monthly or oftener. Other Officers to be appointed. Salaries to be allowed to the respective Officers. Vacancies of Officers, how to be filled up.
17	Collectors not to be Keepers of Sluices.
20	Commissioners may borrow a Sum not exceeding 3,000 <i>l</i> . (at any One Meeting) on the Credit of the Tolls, and assign them over as a Security for the same. N.B.—This Section (20) is repealed, without Prejudice to the Rights of existing Mortgagees of the Tolls.
23	Application of the Monies in general.
24	Distinct and separate Accounts to be kept of the Tolls. How the Tolls are to be applied.
25	Fourteen Days Notice to be given of the borrowing of Money, and before any new Works are undertaken, &c. Number of Commissioners to be present on these Occasions.
26	Commissioners may contract for the Works necessary to be done in improving the Navigation.
29	Nine Commissioners may treat or receive Proposals for Work to be done ; but no Contract to be concluded unless Twenty-five be present, and Notice be given of the Reason of such Meeting.
30	Nine Commissioners may agree with the Proprietors of such Lands as shall be necessary to be made use of.
31	Bodies Politic, &c. empowered to contract with the Commissioners for the Sale of such Grounds.
32	Persons interested refusing to treat for the Sale of such Lands, a Jury to be summoned to settle the Damage and Recompence. Jury to be sworn. Verdict of the Jury and Judgment of the Commissioners to be binding and conclusive to all Parties, and to be delivered to the Clerk of the Peace, to be kept amongst the Records of the Court, &c.
33	Commissioners may summon and examine Witnesses on Oath, and order the Jury to view the Places in question. Jury may be challenged. Fines may be imposed on the Sheriff, Witnesses, or Jury, for Neglect of Duty.
34	Tolls subject to all Charges, &c. attending the Execution of this Act. After Payment or Tender of the Purchase Money Premises may be entered on, &c.

*Middle Level Act, 1862.*THE THIRD SCHEDULE—(*continued*).

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
36	Where a Breach shall happen, or there be Danger of one in any of the Banks which the Commissioners are to keep in repair, the Occupiers of Lands affected thereby are to give Notice thereof; and if the same be not timely repaired they may do it, and the Expenses thereof to be repaid them.
37	Conservators of the Great Level to erect Ebb Doors at the Sluices here mentioned, &c.
38	Gates to be erected at the Mouth of Old Bedford River. Annual Sums to be paid for keeping the Ebb Doors in repair, &c. Old Bedford River and the Forty Foot Drain may be cleansed. N.B.—The Two preceding Sections (37 and 38) are repealed so far as regards the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level, and in other respects are subject to the Provisions of this Act.
40	The Improvement and Preservation of the Navigations to be under the sole Direction of the Commissioners. Exception, and the Application of the Money. N.B.—This Section (40) is repealed so far as regards the Exception and Application of the Money, and so far as relates to the Improvement and Preservation of the Navigations being under the sole Direction of the Commissioners is subject to the Provisions of this Act.
41	Provisions with regard to preserving Marshland Cut.
42	Provisions with regard to the laying of Tunnels for taking Water out of the River, &c. Penalty for offending against these Regulations.
43	Tunnels not laid as this Act directs may be taken up or stopped.
47	Persons aggrieved by the Order of any Justice for Offences against this Act may appeal to the Quarter Sessions: their Order to be final, &c.
48	Order of Justices not to be quashed for Want of Form.
49	Penalties, to whom to be paid and how to be applied.
50	Destroying or damaging any of the Works deemed Felony.
51	Commissioners, at their Annual Meetings, may reduce the Tolls and raise them again if necessary.
52	An Account to be kept of all Monies received and disbursed. Copy thereof to be delivered to the Commissioners at their Annual Meeting, and to be verified upon Oath if required. Commissioners may summon and examine on Oath Persons intrusted with the Receipt or Expenditure of Money, and levy the Balance in arrear by Distress and Sale, or for Want of Distress may commit the Party.
53	General Issue. Treble Costs.
55	Public Act.

THE FOURTH SCHEDULE.

Form of Certificate of Security.

The Nene Navigation Tolls.

Number

This is to certify, that A.B. of is the Proprietor of the Mortgage or Assignment, Number of the Nene Navigation Tolls, made and executed under the Powers of the Nene Navigation Act (1753), subject to the Provisions of that Act, and of the "Middle Level Act, 1862." Given under the Common Seal of the Middle Level Commissioners, the Day of in the Year of our Lord

Middle Level Act, 1862.

THE FIFTH SCHEDULE.

Owners of the Navigation Bonds.

No. of Bond.	Name of Owner.	Principal.	Rate of Interest.		
		£	£	s.	d.
11	Allen, J. & F., Executors of	100	4	0	0
28		100	4	0	0
34		100	4	0	0
73		100	5	0	0
87	Ditto	100	5	0	0
88		100	5	0	0
89		100	5	0	0
90		100	5	0	0
22	Brewster, Sarah Shewell	100	4	0	0
23		100	4	0	0
62	Barley, Edmund, Executor of	100	4	0	0
40	Bagg, T. P. & W., Executors of	100	4	0	0
18	Edmunds, George Maxwell	100	4	0	0
19		100	4	0	0
27		100	4	0	0
38		100	4	0	0
46		100	4	0	0
50		100	4	0	0
51		100	4	0	0
58		100	5	0	0
61		100	5	0	0
81		100	5	0	0
86	Ditto	100	5	0	0
95		100	5	0	0
96		100	5	0	0
97		100	5	0	0
1	Orton, Richard	100	4	0	0
2		100	4	0	0
3		100	4	0	0
4		100	4	0	0
5		100	4	0	0
7		100	4	0	0
9		100	4	0	0
20		100	4	0	0
21		100	4	0	0
24		100	4	0	0
32	Ditto	100	4	0	0
42		100	4	0	0
43		100	4	0	0
44		100	4	0	0
47		100	4	0	0
57		100	5	0	0
64		100	5	0	0
67		100	5	0	0
68		100	5	0	0
69		100	5	0	0
70	Ditto	100	5	0	0
71		100	5	0	0
72		100	5	0	0
80		100	5	0	0
82		100	5	0	0
83		100	5	0	0
94		100	5	0	0
Forward		£ 5,300			

Middle Level Act, 1862.

THE FIFTH SCHEDULE—(continued).

No. of Bond.	Name of Owner.	Principal.	Rate of Interest.
		£	£ s. d.
	Brought forward - - -	5,300	
6	Hoskins, Revd. P. C. M. - - -	100	4 0 0
12		100	4 0 0
14		100	4 0 0
16		100	4 0 0
33		100	4 0 0
39		100	4 0 0
49	Ditto - - -	100	4 0 0
56		100	5 0 0
48	Gaskin, Revd. Thomas - - -	100	4 0 0
53	Ditto - - -	100	5 0 0
59		100	5 0 0
8	Partridge, Henry - - -	100	4 0 0
10		100	4 0 0
36		100	4 0 0
52		100	4 0 0
74	Ditto - - -	100	5 0 0
77		100	5 0 0
78		100	5 0 0
79		100	5 0 0
15	Peyton, Sir Henry - - -	100	4 0 0
55	Pelham, Susannah, Mortgagees of - - -	100	5 0 0
60		100	5 0 0
75	Rolfe, Edmund, Executors of - - -	100	5 0 0
76		100	5 0 0
30	Townley, Richard Greaves, Executors of - - -	100	4 0 0
37		100	4 0 0
25	Waddington, Harry Spencer, Esq. - - -	100	4 0 0
26		100	4 0 0
29	Warner, William Wilson Lee - - -	100	4 0 0
		£ 8,200	

THE SIXTH SCHEDULE.

Sections of the Middle Level Acts repealed by the foregoing Act.

The First Middle Level Act (50 Geo. III. Cap. 125.)

N.B.—The Sections are numbered as in the Queen's Printers Edition of 1844.

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
4	No Person to act as a Deputy Commissioner until his Appointment shall be delivered in.
5	Commissioners in their own Right to take an Oath.
6	Deputy Commissioners to take an Oath.
7	A Minute of Commissioners and Proprietors having taken the Oath or Affirmation to be entered among the Proceedings. N.B.—This Clause (7) is repealed so far as regards the administering of Oaths or Affirmations and the Entry of a Note or Minute thereof, but remains in force so far as it disqualifies a Person holding a Place of Profit from acting as a Commissioner or appointing a Deputy.
9	Times and Places of holding General Meetings.
12	Proceedings of Commissioners to be entered in Books.

*Middle Level Act, 1862.*THE SIXTH SCHEDULE—(*continued*).

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
14	Commissioners may appoint Superintendents of the Works.
15	Commissioners may appoint Treasurers, Clerks, Surveyors, &c.
16	Treasurers, Collectors, and other Officers to keep Accounts.
17	Officers refusing to account, their Goods may be distrained. For Want of Distress, to be committed.
18	Power to lay Taxes. N.B.—This Section (18) is repealed so far only as regards the Tax of One Shilling and the Tax of Threepence therein mentioned.
19	When Taxes shall be paid and payable. N.B.—This Section (19) is repealed, except as regards the Proviso prescribing the Places where the Taxes shall be payable, and the Advertisements as to the Times and Places of Payment, and which Proviso remains in force.
20	Clerk to Commissioners to give Notice by Advertisement to Occupiers of Lands liable to be taxed to make Returns of all the Lands in their respective Occupations at the Dates of such Returns, specifying what Lands are taxable and what not.
21	Where no Change of Occupancy shall have taken place, Commissioners may act on the Return delivered in, and they may also require new Returns as often as any Change of Occupancy shall take place.
22	Penalty on neglecting to make Returns according to Notice, or delivering in untrue or imperfect Returns, &c. Where Commissioners shall doubt the Correctness of any Return, or where Persons shall neglect to make a Return, &c., the Commissioners may order the Lands to be surveyed, &c.
23	Commissioners may dispense with Returns from the Occupiers at their Discretion, and may call for Returns from the Commissioners of Districts if they think fit, &c.
24	Proceeding where no Return shall have been required.
25	When correct Returns are made and the Amount of Tax ascertained, Proprietors may pay the same to the Treasurer.
26	Where any Person by whom no Return shall have been made shall be in arrear, the Commissioners may cause his Lands to be surveyed, &c.
29	Persons paying Taxes in advance to be allowed Interest on the Sums advanced.
31	Order and Course of scouring out the Rivers and Drains.
33	Power to make Watercourses or Channels for the free Passage of the Waters through the Meres.
34	Power to the Commissioners to alter the above Course of scouring out the Rivers, under certain Regulations.
35	When the River Nene shall be scoured out up to the End of the Twenty Feet River, the Commissioners may direct other Works to be done out of the Course prescribed, on certain Conditions.
36	When the River Nene shall be scoured out up to Flood's Ferry, the Commissioners may direct other Works to be done out of the Course before described, on certain Conditions.
37	For the Preservation of the Tongs Drain and its Banks and Well Creek.
38	Application of the Tax not exceeding Threepence an Acre. N.B.—This Section (38) is repealed so far only as regards the Application of the Tax of Threepence an Acre, and as to the Proviso that Popham's Eau should not be made navigable through the Three Holes Bridge.
39	Under certain Restrictions.
43	For relieving Tenants for Life from the Taxes paid by them in case of Death within Four Years.
44	Commissioners may borrow Money on the Credit of the Taxes.
45	Security may be assigned.

*Middle Level Act, 1862.*THE SIXTH SCHEDULE—(*continued*).

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
46	This Section is repealed so far only as regards the last Proviso, that "Taxes not to cease until the Monies borrowed shall be repaid."
47	Commissioners may borrow Money on either of the Taxes for temporary Purposes, and pay the same out of the ensuing Year's Tax, and may lay such Tax themselves.
48	Restricting the borrowing of Money and the laying of Taxes.
55	Lands may be let for Payment of Taxes.
56	Lands let by Commissioners not to be ploughed or dug.
57	Is repealed so far as regards "Punishment for destroying Works," and in other respects remains in force.
59	Commissioners may agree for the Purchase of Lands or Satisfaction for Damages. Bodies Politic, &c. may contract for Sale of Lands or Compensation of Damages. Commissioners may apply to the Sessions to ascertain Value of Land and Amount of Damages. Justices to cause the Jury to assess Damages. Witnesses to be summoned. Justices to give Judgment. The same to be final. N.B.—This Section (59) is to remain in force as regards the Power and Authority of the Commissioners to enter upon Lands, and dig and do other Acts therein, and in all other respects is repealed.
60	Expenses of Jury and Witnesses, by whom to be paid. To be settled by the Justices.
61	Application of Compensation where exceeding 200 <i>l</i> .
62	Application where the Compensation does not exceed 200 <i>l</i> . nor is less than 20 <i>l</i> .
63	Application where the Money is less than 20 <i>l</i> .
64	In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.
65	Where any Question shall arise touching the Title to Money to be paid, the Person in possession at the Time of such Purchase shall be deemed entitled thereto.
66	The Court of Chancery may order reasonable Expenses of Purchases to be paid by Commissioners.
67	Recital of Bedford Level Act, 15 Car. 2, and of Nene Navigation Act, 27 G. 2. Nothing contained in either of those Acts to impede the Commissioners of this Act from executing their Works. Rights of the Corporation of Bedford Level, &c., preserved. Banks between the Three Holes Bridge and Nordelph not to be altered.
69	Manner of proceeding for Conviction of Offenders. Form of Conviction.
70	Proceedings not to be vacated for Want of Form, nor removed.
71	Distress not unlawful for Want of Form.
73	Persons giving false Evidence to be deemed guilty of Perjury.
74	Commissioners may sue and be sued in the Name of their Clerk or Treasurer.
75	Allowing an Appeal to the Quarter Sessions from the Determination of the Justices.
76	Party appealing to give One Month's Notice of Intention to appeal.

The Second Middle Level Act (7 & 8 Vict. Cap. 106.)

1	Repealing Clause in the first-recited Act relative to Part of Popham's Eau.
2	Repealing Clause in first-recited Act relative to a Watercourse through Whittlesea Mere and Trundle Mere.
3	Repealing Clause in second-recited Act relative to Places of holding Meetings of Commissioners.
4	Repealing Clause in the same Act for giving Notice of Meetings.

*Middle Level Act, 1862.*THE SIXTH SCHEDULE—(*continued*).

Numbers of Sections repealed.	Marginal Notes to Sections repealed.
5	Repealing further Clause in the said Act relative to the Notice of Meetings, and the Number of Commissioners to be present.
6	Repealing Clause in the said Act for the Reduction of Tolls.
10	Meetings of Navigation Commissioners.
38	Mortgages to be without Preference.
46	Mode of paying off Mortgages.
47	Commissioners may borrow Money of Exchequer Bill Loan Commissioners. N.B.—This Section (47) is repealed so far as relates to the Repayment of Money borrowed by annual Instalments of Five Pounds per Centum at the least, in discharge of the Principal and Interest not exceeding Five Pounds per Centum per Annum.
136	Drainage Commissioners to execute Works for Improvement of Rivers, Drains, and Watercourses. N.B.—This Section (136) is repealed so far as regards the Old Bedford River and the Drain called the Counter-wash Drain communicating therewith, and so much of the Forty Feet River as lies to the East of a Sluice called Horseway Sluice.
140	For fixing Gauge Posts in Well Creek.
141	To make a Cut from the Old Bedford River to Well Creek.
145	Field's End Bridge and Conquest Lode Sluices. N.B.—This Section (145) is repealed so far as regards the Sluice across Whittlesea Dike above Field's End Bridge.
147	Commissioners not to execute certain Works until Main Cut is completed.
188	Bedford Level Corporation to contribute an annual Sum towards the Works, to be fixed by Referees or Umpire.
189	Award to be made and filed in a Court of Record at Westminster.
196	Present Threepenny Tax to cease when Debt is discharged.
197	The One Shilling Tax authorized by first-recited Act to cease.
238	Monies advanced for obtaining this Act to be repaid with Interest.
264	Saving Rights of Bedford Level Corporation.

The Middle Level Drainage Amendment Act, 1848.

1	So much of 7 & 8 Vict. c. 106. as directs certain Works to be made, repealed.
4	For Recovery of Monies from Sutton and Mepal Districts.
5	Owner or Occupier not to pay Taxes in the said Districts after Notice.
6	Power for Middle Level Commissioners during the Execution of their Works to regulate Welche's Dam Sluice.
31	Form of Assessment.
32	Warrants may be issued for Recovery of Taxes, without previous Summons, on giving Notice. N.B.—This Section (32) is repealed so far as regards the Form of the Warrant of Distress.
41	So much of 7 & 8 Vict. c. 106. as relates to the Repayment of Monies advanced by Exchequer Loan Commissioners, repealed.
46	So much of 7 & 8 Vict. c. 106. as relates to maintaining the Water at a certain Level, repealed.
85	Commissioners before acting to make a Declaration.
86	Deputy Commissioners before acting to make a Declaration.
87	No Oath, &c. required to be taken, except required by this Act.
88	Commissioners may make Declaration, and a Note thereof to be entered on the Minutes.
92	Saving Rights of the Corporation of Bedford Level.

Middle Level Act, 1862.

THE SEVENTH SCHEDULE.

Form of Claim and Declaration of Commissioners.

I A.B. of _____ in the County of _____ being the bonâ fide Owner of _____ Acres of Land situate in the Middle Level liable to be taxed and assessed by the Middle Level Commissioners under the "Middle Level Act, 1862," and the Middle Level Acts therein recited, or some or One of them, do claim to act as a Commissioner under the said Acts: And I do declare that I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of the said Acts, or any or either of them.

(Signed) A.B.

Witness,
C.D.

Form of Claim and Declaration of Deputy Commissioner.

I A.B. of _____ in the County of _____ by virtue of an Appointment or Authority under the Hand of E.F. of _____ in the County of _____, he being the bonâ fide Owner of _____ Acres of Land situate in the Middle Level liable to be taxed and assessed by the Middle Level Commissioners under the "Middle Level Act, 1862," and the Middle Level Acts therein recited, or some or One of them, do claim to act as a Commissioner under the said Acts during the Pleasure of the said E.F.: And I do declare that I will faithfully and impartially, and according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of the said Acts, or any or either of them.

(Signed) A.B.

Witness,
C.D.

THE EIGHTH SCHEDULE.

Form of General Assessment.

The Middle Level Commissioners, acting under and in pursuance of the "Middle Level Act, 1862," and of the several Acts therein referred to as the Middle Level Acts, present at a Meeting convened and holden pursuant to the said Acts on the _____ Day of _____ in the Year One thousand eight hundred and _____ at _____ in the Isle of Ely and County of Cambridge, do hereby tax, charge, and assess the Fen Lands and Low Grounds mentioned and described in the First Part of the "Schedule of Taxable Lands" hereunder written or hereto annexed, by Reference to the Numbers on a certain Plan called "Plan of Part of the Bedford Level and Lands adjacent subject to the Eau Brink Tax, by J. G. Lenny, Bury St. Edmunds, 1833," and which Lands are situate within or near to the Middle Level of the Fens, and are liable to be assessed to a certain Tax heretofore commonly called the Eau Brink Tax, but now called the Ouse Outfall Tax (except Whittlesea Mere and the late Reed Shoals or Lands adjacent thereto, which are taxed by a separate Instrument of Assessment), and the respective Occupiers or Owners of such Lands whose Names are mentioned in the First Column of the First Part of the said Schedule, with the several Sums of Money set down in the Sixth, Seventh, and Eighth Columns of the First Part of the said Schedule, and respectively called the "Tax," the "Further Tax," and the "Additional Tax," the "Tax" and "Further Tax" in the Sixth and Seventh Columns being at the Rate per Acre entered in the Fifth Column, and the "Additional Tax" in the Eighth Column being Two Thirds of the "Further

Middle Level Act, 1862.

THE NINTH SCHEDULE—(continued).

B.

Whereas the several Sums mentioned in the Sixth, Seventh, and Eighth Columns of the Schedule hereunder written or hereon endorsed are due and payable and in arrear from _____ for or in respect of Taxes imposed by the Middle Level Commissioners acting under or in pursuance of the "Middle Level Act, 1862," and of the several Acts therein referred to as "the Middle Level Acts," upon the said _____ in respect of Land now or lately in his Occupation, situate in the Parish of _____ in the County of _____, mentioned or referred to in the said Schedule, together with the Sum mentioned in the Ninth Column of the said Schedule, being the Penalty incurred by him for his Default in not paying the said Taxes: And whereas no sufficient Distress can be found in or upon the said Land whereon to levy the said Taxes and Penalty so in arrear as aforesaid, as hath been made to appear to the Middle Level Commissioners: Now, therefore, the Middle Level Commissioners do hereby, according to the Provisions of the Statutes in such Case made and provided, authorize and require you, and each of you, to levy the said Sums mentioned in the said Schedule by Distress and Sale of any Goods or Chattels of the said _____ whensoever and wheresoever the same shall be found, together with all the Charges of levying the same, according to the Provisions of the said Statutes in that Behalf contained, giving to or leaving for him due Notice of the Cause of such Distress; and for so doing this shall be your sufficient Warrant and Precept.

Given under the Common Seal of the Middle Level
To _____ Commissioners this _____ Day of _____
and each of them. } _____ One thousand eight hundred _____ and _____

The SCHEDULE above [or within] referred to.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Occupier or Owner assessed.	Owner.	No. on Plan referred to in the Assessment.	Con- tent.	Year for which Assessment made.	Arrear of Tax.	Arrear of Further Tax.	Arrear of Ad- ditional Tax.	Penalty on the said Taxes.	Amount of Arrears and Penalty.
			A. R. P.	For the Year 18 For the Year 18 For the Year 18	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
								Total -	

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