

Middle Level Act, 1867.

the First and Second "*Middle Level Acts*," and the "*Middle Level Act, 1848*," but the Commissioners have not the Power of imposing Taxes on any Lands in the *Sutton and Mepal* District, or the *Manea and Welney* District, or upon the Lands described or referred to in the First Schedule to "*The Middle Level Act, 1862*," or any of them, and only the Power of levying the "Tax" herein-after referred to upon the Lands described or referred to in Schedule B. to "*The Middle Level Act, 1848*:" And whereas under the recited Acts or some of them the Lands in the *Middle Level* and the said adjacent Lands, except as aforesaid, (in this Act called "the taxable Lands,") are now liable to certain graduated Acreage Taxes called respectively "the Tax," and "the further Tax," and "the additional Tax," which Taxes are raisable by the Commissioners, and all the Monies raised by those Three Taxes respectively are carried to the General Fund of the Commissioners, and are applicable for Purposes of the recited Acts, or some of them: And whereas those Three Taxes and the Monies raisable thereby, with other Property of the Commissioners, are now mortgaged for the Repayment of divers Principal Sums of Money raised by the Commissioners, and amounting in the whole to Four hundred and sixty-one thousand Pounds, and the Interest thereof: And whereas in the Month of *May* 1862 the *Middle Level* Outfall Sluice of the Commissioners which connected the *Middle Level* Main Drain of the Commissioners with the River *Ouse* was destroyed by the Tide, and the Destruction thereof admitted the Flow of the Tide with great Force up the Drain, and by reason thereof Part of the Western Bank of the Drain (a Bank of the Commissioners) was destroyed, and the tidal Waters flowed through the Breach in the Bank, and a considerable Extent of Land in the District or Country called *Marshland*, not drained by or under the Jurisdiction of the Commissioners, was thereby laid under Water: And whereas by the *Middle Level Act, 1862*, the Commissioners were authorized to enter upon, take, and use Lands and execute Works for repairing the Damage which had 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 that Outfall, and for providing a temporary Passage for the Water through the Drain: And whereas the Commissioners have accordingly executed divers Works for those Purposes, and have incurred thereby, and by legal Expenses in Proceedings against the Commissioners with respect to the flooding of Lands consequent on the Failure of the said Sluice, Expenditure and Liabilities which amount to Eighty thousand Pounds or thereabouts: And whereas Forty-six thousand Pounds, Part of that Sum, has been provided out of Fifty-one thousand Pounds, Parcel of the Four hundred and sixty-one thousand Pounds, and the Residue thereof is still unpaid: And whereas in an Action lately brought against the Commissioners by an Occupier of Lands in

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Marshland which had been flooded as aforesaid it was adjudged that the Commissioners were liable to make Compensation for Damage sustained by him by reason of his Lands being so flooded on the Ground that the same was occasioned by the Negligence of Officers or Servants of the Commissioners: And whereas divers Claims against the Commissioners have been made by the Owners and Occupiers of other Lands which also were flooded as aforesaid, and other like Claims against them may be made: And whereas the Commissioners have arranged for the Settlement of divers Claims already made against them, and of Costs in relation thereto: And whereas the Commissioners have no Funds applicable for the Discharge of their Liabilities consequent on the Failure of the Outfall Sluice: And whereas it is expedient that Part only of the Expenditure and Liabilities already and hereafter incurred by the Commissioners in consequence of the Failure of the Outfall Sluice should be defrayed by or out of their General Fund, and that the greatest Part thereof should be provided for by an equal Acreage Payment or Tax on all the taxable Lands, to be called "the Special Tax," under the Provisions by this Act made in that Behalf: And whereas by reason that the Lands under the Jurisdiction of the Commissioners are of large Extent, and their Works of Drainage are both numerous, costly, and important, it is expedient that the Forty-six thousand Pounds which has been applied towards defraying the Expenditure of the Commissioners consequent on the Failure of the Outfall Sluice be paid off as by this Act provided out of Monies raised on the Security of the Special Tax, to the Intent that the Commissioners may, if and as Occasion require, be able to raise and apply the same Sum, or any Part thereof, in doing or upholding Works necessary for maintaining or improving the Drainage or for the Security of the *Middle Level*, and in performing their Obligations under those Acts: And whereas by the Act of the 34th Year of *George the 3rd* (1794), Chap. 92, (commonly called "the *Wisbech Canal Act*,") the *Wisbech Canal Company* were incorporated, and were authorized to make and maintain the *Wisbech Canal* from *Wisbech* to the River *Nene* at *Outwell*, and a Body of Trustees (commonly called the Canal and *Nene* Trustees) were established and were authorized to appoint Collectors of Tolls, and to collect as well certain Tolls thereby granted to the Trustees on Goods in Vessels navigating out of the River *Nene* into the Canal, or out of the Canal into the River *Nene*, as also certain other Tolls granted to and vested in the Commissioners acting under the Act of the 27th *George 2nd* (1753), c. 12, (commonly and herein-after called the *Nene Navigation Act*,) on Goods in Vessels navigating through *Salter's Lode Sluice* or *Stand-ground Sluice*, and destined or intended to pass from the River *Nene* into the Canal, and the Tolls were made applicable, after Payment of Salaries to the Treasurer and Collector appointed by the Trustees, first, for Payment of One hundred Pounds a Year to the *Nene Navigation Commissioners* as Part of their General Fund, and, subject thereto, for maintaining the Navigation of that Part of the River *Nene* which

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which is between *Outwell Church* and *Salter's Lode Sluice*, and providing a Fund of Eight hundred Pounds, the Interest or Dividends of which were to be applied for maintaining such Navigation, and as to any Surplus of the Tolls for maintaining the Navigation of that Part of the River *Nene* which is between *Outwell Church* and *Standground Sluice*: And whereas the Fund has been formed and now consists of Eight hundred and twelve Pounds Two Shillings and Sixpence Three Pounds *per Cent.* Reduced Annuities standing in the Names of Persons chosen by the Trustees, and which Fund is in this Act referred to as the "accumulated Fund:" And whereas by reason that the greater Part of the Works liable to be executed under the *Wisbech Canal Act* by and with the Produce of the said Tolls and the Dividends of the said Stock would thenceforth under the Provisions of the Second *Middle Level Act* be executed by the Commissioners, the Canal and *Nene* Trustees were by that Act required to pay out of the said Tolls and Dividends Three hundred Pounds a Year to the Commissioners, and to apply the Residue in manner directed by the *Wisbech Canal Act*, and the said Sum of Three hundred Pounds a Year was to be applied in maintaining the Navigation of the River *Nene* between *Outwell Church* and *Salter's Lode Sluice*, and subject thereto in maintaining the Navigation of the River between *Outwell Church* and *Standground Sluice*, with a Provision authorizing the Trustees to suspend Payment to the Commissioners on a Certificate of Three Justices that the Navigation between *Outwell Church* and *Salter's Lode Sluice* was not duly maintained, and to do the requisite Works in case the Commissioners should neglect to do the same after a Month's Notice: And whereas by the *Middle Level Act, 1862*, the Commissioners were substituted for the *Nene* Navigation Commissioners, and the Property of the *Nene* Navigation Commissioners was vested in the Commissioners, and the Maintenance of the Navigations under the Superintendence of the *Nene* Navigation Commissioners was transferred to the Commissioners: And whereas, except so far as the *Wisbech Canal Company* are beneficially interested in the Application thereof, the Commissioners now are alone beneficially interested in the Tolls receivable by the Canal and *Nene* Trustees, but subject to the Powers of the Trustees for securing the Maintenance of the Navigation of the River *Nene* between *Outwell Church* and *Salter's Lode Sluice*, in which Navigation the *Wisbech Canal Company* are greatly interested: And whereas inasmuch as the Monies arising from the said Tolls and Dividends, after Payment of the Salaries and Expenses of the Treasurer and Collectors of the Trustees and incident to the Trust, have not during the last Four Years amounted to the Sum of Three hundred Pounds a Year, and the greater Part of the Tolls receivable by the said Trustees are collected at *Salter's Lode Sluice*, and a yearly Saving of Expense would be effected, if, instead of the Tolls being collected by separate Collectors, appointed by the Canal and *Nene* Trustees, the same were collected by the Collectors or Lessees of the Commissioners, and as the whole of the Funds of the Commissioners

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sioners are now liable to maintain the said Navigation in common with the other Works under their Charge, it is expedient that the said Tolls receivable by the Trustees should be vested absolutely in the Commissioners and the Trust dissolved, and the Powers granted to the Trustees for securing the Maintenance of the Navigation of the River *Nene* between *Outwell Church* and *Salter's Lode Sluice* transferred to the *Wisbech Canal Company*, and that the Provision by this Act made with respect to the accumulated Fund and the Income thereof should be made: And whereas *Needham Field* in *Elm* comprising about One thousand six hundred and thirty-seven Acres, *Burial Field* in *Outwell* comprising about Two hundred and eighteen Acres, and *Birdbeck Field* in *Upwell* and *Outwell* comprising about Four hundred and ten Acres, now under the Jurisdiction of the Commissioners, and which were not originally Part of the *Bedford Level*, are also subject to the Jurisdiction of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, but no other Lands in the *Middle Level* are subject to the Jurisdiction of those or any other Commissioners of Sewers except as next herein-after recited: And whereas by the Act of 15th *Charles* the 2nd, Cap. 17 (1663), commonly called the *Bedford Level Act*, the Governor, Bailiffs, and Conservators of the Corporation by that Act constituted (commonly and herein-after called "the *Bedford Level Corporation*") were made Commissioners of Sewers for the *Bedford Level*, and it was enacted that no other Commissioners of Sewers should intermeddle within the same Level: And whereas by the *Middle Level Act*, 1862, all the Powers, Duties, and Jurisdiction which were then vested in the *Bedford Level Corporation*, so far as related to the *Middle Level*, were transferred to and vested in the *Middle Level Commissioners*: And whereas by the *Middle Level Act*, 1848 (Section 49), the Commissioners were required to make (but when made not to maintain or repair) a Drain to enable the Proprietors of Land in the said *Needham*, *Burial*, and *Birdbeck* Fields to drain the same into the River *Nene* on the Southward Side of the *Pen Sluice* by Section 47 of that Act authorized to be made: And whereas the Commissioners made the said Drain so far as related to or was necessary for *Needham Field*, namely, from the River *Nene* to a Place called *Dod's Style*, being the Western Boundary of *Birdbeck Field*, and a Tunnel and Bank in connexion therewith, but at the Request of the Proprietors of Lands in *Burial Field*, and in *Birdbeck Field*, and in order to save Expense, did not execute such further or remaining Works as were requisite for enabling the Proprietors of Lands in *Burial Field* and *Birdbeck Field* to drain the same into the said Drain made by the Commissioners, and so into the River *Nene*, as provided by the said 49th Section of the *Middle Level Act*, 1848, but paid a Sum of Money to those Proprietors, who by an Indenture of the 26th Day of *December* 1851 released the Commissioners from executing any such further Works, for enabling the Proprietors of Lands in those Fields to drain into the River *Nene*, and

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covenanted to indemnify the Commissioners in that Behalf: And whereas it is essential for the Drainage of the said Fields that the said Drain, Bank, and Tunnel so made by the Commissioners should be maintained, but no Persons or Body of Commissioners are under any Obligation to maintain the same, and as the greater Part of the said Drain is within the *Bedford Level*, the said Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent are by the *Bedford Level Act* prohibited from exercising Jurisdiction over such Part, and although those Commissioners do exercise Jurisdiction over the said Fields, yet they have not hitherto adopted or maintained the said Drain, Bank, and Tunnel, or any Part thereof: And whereas the said Fields are drained wholly by the said Drain, and not by any Works of the said last-named Commissioners, and the said Drain and Works are now out of repair: And whereas it is expedient that the said Fields be wholly exempted from the Jurisdiction of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, and that Provision be made for the Maintenance of the said Drain and Works, and for the Execution of such other Works as may from Time to Time be deemed necessary or advisable for providing for, or improving, or in relation to the internal Drainage of those Fields, with Power to levy a Drainage Tax for those Purposes: And whereas it is expedient that the Provisions of the *Middle Level Act, 1862*, with respect to the Accounts of District Commissioners be amended: And whereas the Objects of this Act cannot be attained 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:

Short Title.

1. This Act may for all Purposes be cited as "*Middle Level Act, 1867.*"

Interpretation of Terms.

2. The Words and Expressions following have in this Act the Meanings following unless excluded by the Subject or Context; (that is to say,)

(a) "The Commissioners" means the *Middle Level Commissioners*:

(b) "The *Middle Level Acts*" means and includes the First *Middle Level Act*, the Second *Middle Level Act*, the *Middle Level Act, 1848*, and the *Middle Level Act, 1862*;

(c) "The Three Taxes" means and includes "the Tax" and "the further Tax" and "the additional Tax" respectively raisable by the Commissioners:

(d) The "Special Tax" means and includes the Tax by this Act authorized:

(e) "The

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- (e) "The taxable Lands" means and includes all the Lands in the *Middle Level* and adjacent thereto which are now liable to the Three Taxes :
- (f) "The *Nene* Navigation Act" means the before-mentioned Act of the 27 *Geo. II.* (1753); Cap. 12 :
- (g) "The *Nene* Navigation Commissioners" means the Commissioners constituted by that Act :
- (h) "The *Wisbech* Canal Act" means the recited Act of the 34th Year of *George* the III. (1794), Chapter 92 :
- (i) "*Needham* Field" means and includes Lands in the Parish of *Elm* numbered 39 to 61 inclusive on the "Plan of Part of the *Bedford Level* and Lands adjacent subject to the *Eau Brink* Tax by *J. G. Lenny, Bury St. Edmunds, 1833,*" referred to in the Eighth Schedule to the "*Middle Level Act, 1862:*"
- (j) "*Burial* Field" means and includes Lands in *Outwell* numbered 71 to 90 inclusive on the said Plan :
- (k) "*Birdbeck* Field" means and includes Lands in *Upwell* numbered 787 to 865 inclusive on the said Plan, and Lands in *Outwell* numbered 91 to 160 inclusive on the said Plan :
- (l) "*Needham, Burial, and Birdbeck* District" means and includes all the Lands in the said *Needham, Burial, and Birdbeck* Fields.

3. Subject to Section 68 of the "*Middle Level Act, 1862,*" this Act shall be carried into execution by the *Middle Level* Board constituted by Section 65 of the "*Middle Level Act, 1862,*" herein-after in this Act called the Board. Execution of Act by Middle Level Board.

4. This Act shall, except as otherwise provided, be carried into execution by the Commissioners acting in accordance with the Powers and Provisions from Time to Time in force of the *Middle Level Acts,* and applicable in that Behalf; and for the Purposes of this Act the "*Middle Level Acts*" and this Act shall be read and have Effect as if they were One Act; and the Generality of this Provision is not restricted by any express Reference in this Act to any of the Sections of any of the *Middle Level Acts.* Middle Level Act applicable for Execution of Act.

5. Subject to the Provisions of this Act, the several Powers and Provisions from Time to Time in force of the *Middle Level Acts* with respect to the making, assessing, collecting, recovering, and obtaining Payment of the Three Taxes respectively, and the Penalty in case of Nonpayment thereof respectively at the Time appointed by the Commissioners, extend and apply and are available with respect to the making, assessing, collecting, recovering, and obtaining Payment of the Special Tax, and a like Penalty in case of Nonpayment thereof as aforesaid, and for the Purposes of this Act shall have Effect accordingly; Provisions of Middle Level Acts as to making, &c. the Three Taxes applicable to the Special Tax.

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accordingly; and the Generality of this Provision is not restricted by any express Reference in this Act to any of the Sections of any of the *Middle Level Acts*.

Provisions of Middle Level Act, 1862, as to Redemption of Taxes applicable for Purposes of Act.

6. The Powers and Provisions of Sections 83 and 84 and 86 and 87 respectively of the "*Middle Level Act, 1862*," with respect to Redemption of Taxes, extend and apply, *mutatis mutandis*, to the Redemption of the Special Tax by this Act authorized, and to Matters incidental to and consequent on the Redemption of the same, and for the Purposes of this Act shall have Effect accordingly.

Provisions of Middle Level Acts as to Mortgages and Bonds applicable for Purposes of Act.

7. Subject to the Provisions of this Act, the several Powers and Provisions from Time to Time in force of the *Middle Level Acts* with respect to the borrowing and re-borrowing of Monies on Mortgages and Bonds, and with respect to the Mortgages and Bonds for securing Repayment of the Monies borrowed, and the Interest thereon, extend and apply, *mutatis mutandis*, to Mortgages and Bonds under this Act, and to the Commissioners, and their Mortgagees and Bond Creditors, and other Parties interested under this Act, and for the Purposes of this Act shall have Effect accordingly; and the Generality of this Provision is not restricted by any express Reference in this Act to any of the Sections of any of the *Middle Level Acts*.

Provisions of Middle Level Act, 1862, as to Bonds, applicable for Purposes of Act.

8. Subject to the Provisions of this Act, Sections 90 to 98 both inclusive of the "*Middle Level Act, 1862*," with respect to Bonds and the Monies secured thereby, and the Interest thereon, and the Recovery of the Principal Monies and Interest respectively thereby secured, and the Register of the Bonds, extend and apply, *mutatis mutandis*, to the Bonds which by this Act the Commissioners are authorized to issue for securing any Monies which by this Act they are authorized to raise on the Security of the Special Tax.

Commissioners to lay "the Special Tax" on all "the taxable Lands."

9. Subject to the Provisions of this Act, the Commissioners shall yearly tax, charge, and assess all the taxable Lands and the several Occupiers of the taxable Lands with an equal Tax of One Shilling and Sixpence an Acre, which Tax shall be called "the Special Tax," and shall become due and payable, and be collected and recovered, and may be increased, and shall cease, as by this Act provided.

Occupiers may deduct Taxes except in certain Cases.

10. Every Occupier of any of the taxable Lands who shall pay the Special Tax or any Part thereof is authorized to deduct the same (but not any Penalty incurred in case of Nonpayment thereof at the appointed Time) from his Rent, except any such Occupier shall hold under an Agreement or Lease made since the Thirty-first Day of *May* One thousand eight hundred and sixty-two whereby he would be liable to bear the said Tax.

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11. Subject to the Provisions of this Act, the Purposes for which the Special Tax is by this Act granted are the repaying or discharging of the Expenditure, Costs, Damages, and Expenses already and hereafter incurred or paid by the Commissioners, or to which the Commissioners are already or hereafter liable, for Works and Damages and otherwise consequent on or by reason of the Failure of the *Out-fall Sluice*, and the other Matters for which the Special Tax Fund is by this Act made applicable.

Purposes of Special Tax.

12. The Board shall from Time to Time ascertain and certify by Writing under the Common Seal of the Commissioners the Gross or Principal Sum which it may be necessary to raise for the Purposes of this Act, and the rateable Acreage Proportion thereof for all the taxable Lands, and they shall give public Notice thereof by Advertisement in each of Three successive Weeks in Three or more of the Newspapers circulating in the *Middle Level*, and every such Certificate shall be conclusive for all the Purposes of this Act.

The Board to certify the Sums necessary to be raised for the Purposes of this Act.

13. If and when the Gross or Principal Sum (or the aggregate Principal Sums certified by the Board as necessary to be raised for the Purposes of this Act exceeds the Sum of One hundred and thirty-eight thousand Pounds but does not exceed One hundred and forty-five thousand Pounds, or in case the Commissioners cannot borrow One hundred and thirty-eight thousand Pounds on Security of the Special Tax, the Excess beyond One hundred and thirty-eight thousand Pounds or the Amount which the Commissioners cannot so borrow may be charged, raised, and paid upon and out of the General Funds of the Commissioners.

Power to charge 7,000*l.* on the General Funds.

14. If and when the Principal Sum or aggregate Principal Sums certified by the Board as necessary to be raised for the Purposes of this Act shall exceed the Sum of One hundred and forty-five thousand Pounds, then the Commissioners shall, subject to the Provisions of this Act, yearly thereafter increase the Special Tax by such an equal Acreage Amount as the Commissioners shall from Time to Time ascertain and determine to be requisite, but not exceeding Threepence an Acre on all the taxable Lands in respect of every Twenty thousand Pounds and fractional Part of Twenty thousand Pounds required over and above One hundred and forty-five thousand Pounds, and such Increase may be made, at One Time only or at different Times and from Time to Time as the Commissioners think fit and the Circumstances require.

Power to increase the Special Tax.

15. The Commissioners may assess the Special Tax in one and the same Instrument of Assessment and jointly with the Three Taxes, and any such Assessment may be in accordance with the Forms given in the 8th Schedule to the "*Middle Level Act, 1862*," or as near thereto

The Special Tax to be assessed with the Three Taxes in One Instrument.

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as the Circumstances will admit, with an additional Column for the Special Tax when payable, and with such other Modifications of that Form as the Commissioners think fit.

The Three Taxes and the Special Tax to be paid half-yearly and collected together.

16. The Three Taxes respectively from Time to Time after the passing of this Act assessed by the Commissioners, and the Special Tax when from Time to Time assessed by the Commissioners, shall be due on the First Day of *January* in every Year, and shall be payable by equal half-yearly Payments or otherwise when and on such Days as the Commissioners shall from Time to Time appoint; and such of the Three Taxes and Special Tax as from Time to Time are payable shall be collected and paid together.

Warrant of Distress for the Special Tax.

17. The Warrant of Distress for the Recovery of the Special Tax and Penalty thereon either together or alone, or with any other Tax or Taxes and Penalties from Time to Time payable to the Commissioners, may be in One of the Forms given in the 9th Schedule to the "*Middle Level Act, 1862,*" with such Modifications thereof as the Commissioners think fit.

Cesser of Special Tax.

18. When and so soon as all the Purposes for which the Special Tax Fund under this Act is by this Act made applicable are fully satisfied or discharged the Special Tax shall wholly cease, and if there be then any Surplus of the Special Tax Fund it shall be carried to the General Fund of the Commissioners, and be applicable as Part of that Fund.

Owners may elect to pay their rateable Proportion of the Monies required for the Purposes of the Act in One Sum or by Instalments.

19. Any Owner of any Part of the taxable Lands may, if he think fit, at any Time within Three Months after the last Publication of the Notice herein-before directed to be given by the Board by Notice in Writing signed by him, and sent through the Post addressed to the Clerk to the Commissioners, elect to pay his rateable Acreage Proportion of any such Gross or Principal Sum either by a Sum payable at once or, if the Board so agree, by Instalments, and if by Instalments with Interest thereon at such Rate as the Board may think fit; and upon such Payments being made the Lands of such Owner shall be exonerated from Taxation under this Act for or towards the Gross or Principal Sum in respect of which such Payment shall have been made.

Voluntary Redemption of Special Tax.

20. The Board from Time to Time, with the Consent of the Mortgagees, if any, of the Special Tax, may agree with the Owner of any Part of the taxable Lands for the Redemption of the Special Tax on the Lands in question on Payment by the Owner of his rateable Acreage Proportion in respect of such Lands of the Principal Sum or aggregate Principal Sums previously certified by the Board to be required for the Purposes of this Act and then unpaid or raisable under

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under the Provisions of this Act, and the Redemption Money shall be a Sum in gross payable at once or by Instalments, and if by Instalments at such Times and with Interest thereon at such Rate as the Board think fit.

21. Where the Special Tax payable in respect of any Land assessed as a separate Tenement does not exceed Two Shillings and Sixpence a Year, the Board, if they think fit, and with the Consent of the Mortgagees, if any, of the Special Tax, may require the Owner of the Land to redeem the Special Tax on Payment of his proportionate Part in respect of the Lands in question of the Principal Sum or aggregate Principal Sums certified by the Board to be required for the Purposes of this Act and then unpaid or raisable under the Provisions of this Act.

Compulsory
Redemption
of the
Special Tax.

22. The Redemption as the Board and the Owner agree may be the Redemption of the whole or any Part of the Special Tax then ascertained and determined by the Commissioners to be requisite, but there shall be no Exoneration from or Redemption of the Liability of any Lands to an increased Special Tax which is not then so ascertained and determined.

Redemption
of Part of
the Special
Tax.

23. On the Receipt of the Money payable for Exoneration from or for the Redemption of the Special Tax the Board shall make and deliver to the Owner a Certificate in Writing under the Common Seal of the Commissioners specifying the Tax or Part of the Tax so exonerated or redeemed, and the Lands whereon it was or would have been chargeable, and those Lands shall thenceforth accordingly be exonerated from the Special Tax or Part of the Special Tax, as the Case may be.

Certificates
of Exonera-
tion from or
Redemption
of the
Special Tax.

24. Every Certificate of Exoneration from or Redemption of the Special Tax or Part of the Special Tax shall be registered with the Clerk to the Commissioners in a Book to be kept for the Purpose, and to be called "the Special Tax Redemption Book," and for his Pains therein the Clerk shall (except in Cases of compulsory Redemption) be entitled to such Fee, if any, to be paid by the Landowner as the Board may from Time to Time appoint.

Registra-
tion of
Certificates
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tion or
Redemption
of the
Special Tax.

25. All the Monies from Time to Time received by the Commissioners for Exoneration from or for Redemption of the Special Tax or Part of the Special Tax shall be paid to the Special Tax Fund under this Act, and shall be applied only for Purposes for which Monies borrowed on the Security of the Special Tax are by this Act made applicable, and to the Extent of the Exoneration or Redemption Monies so from Time to Time received by the Commissioners their

Application
of Redemp-
tion Monies.

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their Powers of borrowing and reborrowing on the Security of the Special Tax are by this Act extinguished.

Power to borrow 138,000*l.* on Special Tax.

26. The Commissioners from Time to Time may borrow at Interest on the Security of the Special Tax when and so long as it does not exceed One Shilling and Sixpence *per* Acre such Sums as they think fit, and as may be required for the Purposes of this Act, not exceeding in the whole One hundred and thirty-eight thousand Pounds.

Power to borrow further Monies if required.

27. If and when the Principal Sum or aggregate Principal Sums which the Board certify as necessary to be raised for the Purposes of this Act exceed One hundred and forty-five thousand Pounds the Commissioners may from Time to Time borrow at Interest on Security of the Special Tax (which in such Event is to be increased as hereinbefore provided) the Excess of the Money so certified to be required for the Purposes of this Act over and beyond the Sum of One hundred and forty-five thousand Pounds.

Commissioners not to reborrow 46,000*l.* till required to pay off same.

28. It shall not be necessary for the Commissioners, unless and until they are required by their Mortgagees for all or any Part of the Fifty-one thousand Pounds borrowed as in this Act recited to pay off the same, to reborrow under the Provisions of this Act on the Security of the Special Tax the Sum of Forty-six thousand Pounds, Part of the Fifty-one thousand Pounds, or any Part of the Forty-six thousand Pounds.

46,000*l.*, when required, to be reborrowed on Security of the Special Tax.

29. If and when the Commissioners are required by their Mortgagees for all or any Part of the Forty-six thousand Pounds to pay off all or any Part thereof, the Commissioners, instead of reborrowing the same on the Security of the Three Taxes and their General Fund, shall borrow the same on the Security of the Special Tax; and in the mesne Time, and until the Commissioners borrow the same on the Security of the Special Tax, the Forty-six thousand Pounds, or so much thereof as from Time to Time remains secured on the Three Taxes and the General Fund of the Commissioners, and the Interest from Time to Time payable thereon, shall, as between the General Fund of the Commissioners and their Special Tax Fund, be deemed to be secured on the Special Tax in exoneration of the Three Taxes and the General Fund, and the General Fund shall accordingly be exonerated by the Special Tax Fund from all Liability with respect to the same: Provided that with respect to the Powers of the Commissioners under this Act of the borrowing One hundred and thirty-eight thousand Pounds on the Security of the Special Tax, the Forty-six thousand Pounds, or such Part thereof as from Time to Time remains on the Security of the Three Taxes and General Fund, shall

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shall be deemed to be Money borrowed by the Commissioners as Part of the One hundred and thirty-eight thousand Pounds.

30. If and in case the Commissioners under any of the Provisions of this Act raise, borrow, or pay any Part of the One hundred and thirty-eight thousand Pounds upon or out of the Three Taxes or their General Fund, the same shall (but without Prejudice to the Rights and Priority of Mortgagees of the Special Tax), as between the General Fund and the Special Tax Fund, be deemed to be secured on the Special Tax in exoneration of the Three Taxes and the General Fund, and those Taxes and that Fund shall accordingly be exonerated by the Special Tax Fund from all Liability with respect to the same.

If any Part of the 138,000*l.* is borrowed on the General Fund, same to be deemed a Charge on the Special Tax.

31. The Commissioners, as they from Time to Time think fit, may secure by Mortgage or by Bond any Money which under this Act they borrow on the Security of the Special Tax, provided that the Mortgages thereof made by the Commissioners shall entitle the several Mortgagees thereof one with another to their respective Proportions of the Special Tax, in accordance with the Principal Sums secured by their respective Mortgages, and to be repaid the Principal Sums so secured, with Interest, without any Preference one over the other by reason of any Priority of lending Monies to the Commissioners or of the Dates of the Mortgages respectively.

Option for Commissioners to borrow on Mortgage or Bond.

32. The Commissioners Mortgagees under this Act shall have the like Remedies for recovering Principal Money and Interest respectively due on their respective Mortgages by assessing, collecting, receiving, and enforcing the Special Tax as by Section 89 of the *Middle Level Act, 1862*, are given to other Mortgagees of the Commissioners, and they shall have such and the same Powers of increasing the Special Tax and on the same Event as by this Act is given to or conferred upon the Commissioners.

Power for Mortgagees to levy Taxes, &c.

33. The Commissioners Bond Creditors under this Act shall have the like Remedies for enforcing the Payment of the Arrears of Interest or of Principal due on their Bonds by the Appointment of a Receiver and otherwise as by Sections 95 and 96 and 97 of the *Middle Level Act, 1862*, are given to other Bond Creditors of the Commissioners.

Receiver for Bond Creditors.

34. It shall not be necessary for any Person lending to the Commissioners any Money on the Security of the Special Tax to ascertain or inquire as to the Correctness or Validity of any Certificate of the Board, or as to the Necessity or Propriety of the Loan, or as to the Application of the Money borrowed, or as to the Propriety or Regularity of any of the Proceedings of the Commissioners or Board in relation thereto; and no Person lending any Money to the Commis-

For Security of Lenders.

[Local.]

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sioners

Middle Level Act, 1867.

sioners on the Security of the Special Tax shall be prejudiced by any Act or Default of the Commissioners or Board in relation thereto.

Commis-
sioners to
pay off
Monies
borrowed in
30 Years.

35. All Monies from Time to Time borrowed under this Act on the Security of the Special Tax shall, with all Interest thereon, be repaid or discharged by the Commissioners at or before the Expiration of Thirty Years next after the Time of the borrowing thereof, and the Commissioners shall, by means of a Sinking Fund or otherwise as by this Act provided, make due Provision for the Payment or Discharge of the same accordingly; provided that this Section shall not prejudice the Security of or in any other Manner affect any Person lending to the Commissioners any Money on the Security of the Special Tax.

Sinking
Funds.

36. The Commissioners shall (but subject and without Prejudice to the Power given by Section Thirty-eight of this Act) form Sinking Funds for paying off Monies borrowed under this Act on the Security of the Special Tax, by setting aside for the same Sinking Funds on the 1st Day of *October* in every Year after the borrowing of the Monies respectively such a Sum as, with the other Monies applicable for paying off the respective Monies so borrowed, will, in the Judgment of the Commissioners or Board, be sufficient for ensuring that the whole of the Monies so borrowed be paid off within Thirty Years next after the borrowing thereof.

Investment
and Appli-
cation of
Sinking
Funds.

37. The Commissioners from Time to Time shall invest the Monies carried to the Sinking Fund and the Income of the same in the Purchase of Government or Parliamentary Securities, so as to be increased in the way of Compound Interest until the Sinking Fund be sufficient to pay off all or such Part as the Commissioners from Time to Time think fit of the Principal Monies for the paying off of which the Sinking Fund is applicable, and then the Sinking Fund or so much thereof as is requisite shall be realized and applied accordingly.

Principal
borrowed
and Interest
may be re-
paid by equal
Payments
during
30 Years.

38. Instead of providing a Sinking Fund, the Commissioners may arrange with their Mortgagees or Bond Creditors in respect of any Monies to be raised under this Act for the Liquidation of the whole Amount of Principal Money borrowed and Interest thereon by equal annual or half-yearly Payments during the Term of Thirty Years from the borrowing of the Money, or any less Term.

Special Tax
Fund.

39. All Monies raised by the Commissioners by the Special Tax, and all Monies borrowed by them on the Security of the Special Tax, and all Monies received by them for Exoneration from or for Redemption of the Special Tax, and all other, if any, their Receipts on account of the Special Tax, shall constitute their Special Tax Fund.

40. The

Middle Level Act, 1867.

40. The Special Tax Fund shall be applied as follows; (that is to say,) Application
of Special
Tax.

First, for paying the Costs of this Act; and subject thereto,

Secondly, for paying (but not out of Monies borrowed or Exoneration or Redemption Monies) the Costs of and incidental to—

(a) The assessing, collecting, and recovering of the Special Tax; and

(b) The borrowing of Monies on the Security of the Special Tax; and

(c) The repaying of the Monies so borrowed; and

(d) Other current Expenses of executing this Act, and the Costs of the Commissioners in relation to the Claims of any Person or Body for Compensation for Damages alleged to have been sustained by reason of the Failure of the *Outfall Sluice*; and subject thereto,

Thirdly, for paying (but not out of Monies borrowed or Exoneration or Redemption Monies) the Interest from Time to Time payable on Monies secured on the Special Tax; and subject thereto,

Fourthly, for setting apart (but not out of Monies borrowed or Exoneration or Redemption Monies) the Sinking Fund for paying off Monies secured on the Special Tax, if and in case a Sinking Fund be required for that Purpose; and subject thereto,

Fifthly, for paying or discharging the Monies, Costs, and Expenses from Time to Time, by Agreement or otherwise, payable by the Commissioners to Persons claiming Compensation from the Commissioners for Damage sustained by reason of the Failure of the *Outfall Sluice*; and subject thereto,

Sixthly, for paying or discharging so much of the Expenditure and Liabilities of the Commissioners (amounting, as in this Act recited, to Eighty thousand Pounds or thereabouts) as is in Excess of the Forty-six thousand Pounds paid in respect of those Liabilities by Monies raised on the Security of the Three Taxes and General Fund, with (but not out of Monies borrowed or Exoneration or Redemption Monies) Interest at the Rate of Four Pounds Ten Shillings *per Cent. per Annum*, from and after the passing of this Act, on so much of the Amount to be so paid or discharged as is from Time to Time unpaid and undischarged; and subject thereto,

Seventhly, in repaying to the General Fund of the Commissioners that Forty-six thousand Pounds, with (but not out of Monies borrowed or Exoneration or Redemption Monies) the Interest, from and after the passing of this Act, paid by them on so much of the Forty-six thousand Pounds as from Time to Time is not so repaid; and subject thereto,

Eighthly, in paying off the Monies from Time to Time secured on the Special Tax.

41. The

Middle Level Act, 1867.

Payment of
Salaries
under Act.

41. The Salaries, Wages, and Allowances of all Officers or Servants, if any, employed by the Commissioners or Board solely for the Purposes of this Act, and any additional Salaries, Wages, and Allowances, if any, allowed by the Commissioners or Board for Services under this Act to any Officers or Servants employed by them for other Purposes, shall be payable as Part of the current Expenses of executing this Act, and shall be paid out of the Special Tax Fund.

Payment of
Expenses
not specially
provided for.

42. All the Costs, Charges, and Expenses (if any) of the Commissioners in executing this Act, or in relation thereto, the Payment of which is not by this Act otherwise provided for; shall be paid by the Commissioners out of their General Fund.

Special Tax
Account.

43. The Commissioners shall keep a separate and distinct Account of all their Receipts, Credits, Payments, and Liabilities in relation to the Execution of this Act with respect to the Special Tax Fund and the Application thereof, and that Account shall be called "the Special Tax Account."

Audit of
Account.

44. The Account shall be audited as other Accounts of the Commissioners, but any additional Remuneration to be made to the Auditor in respect of the Audit of the Accounts under this Act shall be paid out of the Monies raised by the Special Tax.

Tolls, &c.
of Canal and
Nene Trust-
tees vested
in Commis-
sioners.

45. All the Tolls by the *Wisbech* Canal Act granted to or receivable by the Canal and *Nene* Trustees, and all the Monies, Securities, Property, Effects, Choses en Action, Powers, Authorities, Rights, Privileges, and Immunities of or to which immediately before the passing of this Act the Trustees or any Persons on their Behalf were possessed or in any way entitled under that Act or otherwise (except only the accumulated Fund and the Dividends thereon), are by this Act transferred to and vested in the Commissioners, but subject to all the Debts, Liabilities, and Engagements of the Commissioners affecting the same or affecting the Trustees in respect thereof.

Application
of the Tolls,
&c.

46. The Commissioners shall yearly apply the Income and Money received by them for or in respect of the Tolls and Monies by this Act transferred from the Canal and *Nene* Trustees to and vested in the Commissioners in the following Order of Priority:

First, for discharging the Debts, Liabilities, and Engagements of the Trustees:

Secondly, for paying the Expenses of collecting the Tolls and realizing the Monies:

Thirdly, for paying to the General Fund of the Commissioners on the First Day of *January* in every Year the Sum of Three hundred Pounds, to be applied by them in manner directed by Section 205 of the Second *Middle Level* Act:

Fourthly,

Middle Level Act, 1867.

Fourthly, and the Surplus, if any, shall be carried to and form Part of the Navigation Account, which by Section 37 of the "*Middle Level Act, 1862*," the Commissioners are required to keep, and shall be subject to the Provisions of that Act in relation to such Account and of this Act.

47. Subject to the Provisions of this Act, all the Powers and Authorities of the Canal and *Nene* Trustees with respect to the Tolls and Monies by this Act vested in the Commissioners, and the Recovery and Application of the same, extend and apply to and may be exercised and enjoyed by the Commissioners.

Powers of Canal and *Nene* Trustees exercisable by Commissioners.

48. The accumulated Fund, and the Stock and Securities whereon the same is from Time to Time invested, shall forthwith after the passing of this Act be transferred into the Names of Four Persons as Trustees thereof, Two of whom shall from Time to Time be appointed by the *Middle Level* Board, and the other Two by the *Wisbech* Canal Company or their Committee of Management; and, subject to the Provisions of this Act, the accumulated Fund shall be held upon trust to carry into effect the Purposes of this Act with respect to such Fund; provided that the Dividends or other Income of the Fund shall, except as is by this Act otherwise provided, from Time to Time be received by the Commissioners, and be applied towards paying to their General Fund the before-mentioned yearly Sum of Three hundred Pounds.

Transfer, &c. of Stock.

49. Nothing in this Act contained shall in any way prejudice or affect the Rights, if any, of the Mortgagees or Bond Creditors of the *Nene* Navigation Commissioners upon or over the Tolls and Monies by this Act transferred from the Canal and *Nene* Trustees to and vested in the Commissioners, but the Mortgagees and Bond Creditors respectively shall during the Continuance of their respective Securities be entitled to the same Rights and Privileges in all respects as they would have been entitled to if this Act had not been passed.

Saving Rights of Mortgagees.

50. The Canal and *Nene* Trustees shall make up and balance their Accounts to the Thirty-first Day of *December* One thousand eight hundred and sixty-seven, and within Two Months thereafter shall deliver to the Commissioners the Accounts so made up and balanced, and all the Minutes, Minute Books, Account Books, and other Books, Maps, Plans, Contracts, Documents, Vouchers, Papers, and Writings whatsoever of the Trustees, and, if the Trustees so require, the Commissioners shall give to them, or to such Person as they appoint, an Inventory of and a Receipt in Writing for the same under the Hand of the Clerk to the Commissioners.

Canal and *Nene* Trustees to make up their Accounts and deliver their Books, &c. to Commissioners.

51. The Commissioners shall deposit and keep with their own Records the Documents, Papers, and Writings of the Trustees so

Deposit and Production of those Books.

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Middle Level Act, 1867.

delivered to the Commissioners, and at all reasonable Times shall permit any of the Persons who were any of the Canal and *Nene* Trustees and their respective Agents authorized in Writing, and the *Wisbech* Canal Company and their Committee of Management and any of the Members thereof, and any Officer of the Company authorized for the Purpose by the Committee, 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*.

Dissolution
of Canal and
Nene
Trustees.

52. When and so soon as the Canal and *Nene* Trustees fulfil their Obligations under this Act they are by this Act dissolved, and shall thereupon wholly cease to exist.

Officers of
Trustees
continued.

53. The Clerk, Treasurer, Collector, and every Officer and Servant of the Canal and *Nene* Trustees shall continue to hold and enjoy his Office and Employment with the Salary thereto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed from the Office or Employment, and shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed by the Commissioners.

Debts due
to and by
Trustees to
be paid to
and by Com-
missioners.

54. All Persons who immediately before the passing of this Act owed any Toll or other Money to the Canal and *Nene* Trustees, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Commissioners; and all Monies which immediately before the passing of this Act were due to or owing by or recoverable from the Trustees, or for the Payment and Satisfaction of which the Trustees were or but for this Act would be liable, shall, with all Interest (if any) due or to accrue thereon, be paid by, or be recoverable from, or be satisfied by the Commissioners out of or from the Tolls and Monies by this Act transferred from the Trustees to and vested in the Commissioners.

Actions, &c,
not to abate.

55. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Canal and *Nene* Trustees before the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect in favour of, against, or with reference to the Commissioners in like Manner in all respects as the same would continue and take effect in favour of, against, or with reference to the Trustees if this Act were not passed, the Commissioners being for such Purpose substituted for the Trustees.

56. Except

Middle Level Act, 1867.

56. Except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed respectively under or by virtue of the *Wisbech Canal Act* shall be as valid as if this Act were not passed, and this Act 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 this Act were not passed would be incident to and consequent on any and every thing so done, suffered, and confirmed respectively, the Commissioners being with respect to the same substituted for the Trustees; provided that the Generality of this Provision shall not be restricted by any other of the Sections and Provisions of this Act.

General Saving of Rights under *Wisbech Canal Act*.

57. If and whenever it appears from the Certificate of any Three Justices for the *Isle of Ely* or County of *Norfolk* acting in Petty Sessions obtained on the Application of the *Wisbech Canal Company* or their Committee of Management that the Navigation of the River *Nene* between *Outwell Church* and *Salter's Lode Sluice* is not maintained by the Commissioners as by Section 205 of the Second *Middle Level Act* required, the Company or the Committee may give Notice in Writing thereof to the Commissioners, specifying the Particulars of their Failure, and the Works requisite to be done for the Maintenance of the Navigation there, and the Commissioners shall forthwith after receiving the Notice do the Works proper and sufficient for the Maintenance of the Navigation there.

On Certificate of Justices *Wisbech Canal Company* or Committee may give Notice to Commissioners to maintain Navigation of Part of River *Nene*.

58. If and whenever the Commissioners, after receiving any such Notice from the *Wisbech Canal Company* or their Committee of Management, fail for One Month after the Receipt of the Notice to do the Works requisite for the Maintenance of the Navigation of the River *Nene* between *Outwell Church* and *Salter's Lode Sluice*, then any such Three Justices as aforesaid, on the Application of the Company or their Committee of Management, or their Clerk or other Officer authorized by the Company or the Committee in that Behalf, may by their Order authorize the Company or the Committee in the Place of the Commissioners to do the Works requisite for the Maintenance of the Navigation of that Part of the River *Nene*, and authorize and require the Trustees for the Time being of the accumulated Fund to pay to the Company or the Committee the Income thereof, and also authorize the Company or the Committee to collect the Tolls by this Act transferred from the Canal and *Nene* Trustees to and vested in the Commissioners, and for the Purpose of the Works to apply the Income so paid and the Tolls so collected, and the Company or the Committee may and shall thereupon do the Works, and receive the Income, and collect the Tolls, and by and out of the same pay all Costs and Expenses of the Company or the Committee in that Behalf; provided that when and so soon as the

If Commissioners fail to comply with Notice, Company or Committee to collect Tolls and do Works.

Middle Level Act, 1867.

the Company or the Committee are fully paid out of the Income and Tolls so received and collected by them the Costs, Charges, and Expenses incurred by them, their Receipt of the Income and Collection of the Tolls shall cease, and the Income and Tolls shall again be received and collected by the Commissioners, and so from Time to Time.

Balance of Tolls to be paid by Company or Committee to Commissioners.

59. If when the Company or the Committee cease, in accordance with this Act, to collect the Tolls, any Balance remains in their Hands, they shall forthwith pay the same to the Commissioners.

Powers of Commissioners for recovering Tolls exerciseable by Company or Committee.

60. When and so long from Time to Time as the Company or the Committee are so entitled to collect the Tolls they shall have and exercise in the Place of the Commissioners the like Powers, Rights, and Remedies for collecting, receiving, and enforcing Payment of the Tolls as the Commissioners would have if the Tolls were collected by them; and at all Times the special Rights and Remedies by this Act given to the Company and the Committee for the Maintenance of the Navigation of the River *Nene* between *Outwell Church* and *Salter's Lode Sluice* shall be in addition to their other Rights and Remedies for enforcing the general Obligation of the Commissioners to maintain such Navigation.

Section 117 of Middle Level Act, 1862, amended.

61. Section 117 of the *Middle Level Act, 1862*, is by this Act amended by excepting from the Provisions of the Commissioners Clauses Act, 1847, by that Section incorporated with the District Acts specified in the Second Schedule to that Act respectively, Sections 90 and 91 of the Commissioners Clauses Act, 1847, and (instead thereof) the Accounts of the District Commissioners respectively shall at all Times be open to the Inspection of any Ratepayer, and shall be made up, balanced, and passed at their respective yearly General Meetings, and all Creditors, Ratepayers, and other Persons interested may be present; and if and when the Accounts are just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of the Meeting, and the Commissioners may, if they think fit, cause the said Accounts or an Abstract thereof to be printed for Circulation among the Creditors (if any) and Ratepayers without Fee.

Section 49 of Middle Level Act, 1848, repealed, and Indenture of December 26, 1851, confirmed.

62. Section 49 of the *Middle Level Act, 1848*, is by this Act repealed, and an Indenture dated the Twenty-sixth Day of *December* One thousand eight hundred and fifty-one between the several Persons whose Names and Seals are thereunto subscribed and set of the First Part, and the Commissioners and their Clerk of the Second Part, whereby an Arrangement was made with respect to the Non-execution by the Commissioners of Part of the Works provided for by that Section, (and which Agreement is set forth in the Schedule to this Act,)

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Act,) is by this Act confirmed, and may and shall be carried into effect, and the Commissioners are by this Act released from all Liability whatsoever under the *Middle Level Acts* or any of them with respect to the Works provided for by that Section, and not made by them.

63. From and after the passing of this Act the *Needham, Burial, and Birdbeck* Fields are by this Act absolutely and for ever exempted from all Jurisdiction, Powers, Rights, and Privileges whatsoever of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent.

Needham, Burial, and Birdbeck Fields exempt from Jurisdiction of Commissioners of Sewers.

64. On and after the First Day of *September* One thousand eight hundred and sixty-seven the *Needham, Burial, and Birdbeck* Fields shall be a separate and distinct Drainage District for Purposes of internal Drainage, and be called the "*Needham, Burial, and Birdbeck* District," and shall be deemed to be within and form Part of the *Middle Level* to all Intents and Purposes.

Needham, &c. Fields to be a separate Drainage District.

65. The Persons to be appointed or deputed from Time to Time as by this Act required shall constitute and be called the *Needham, Burial, and Birdbeck* District Commissioners, with Power to carry into effect the Provisions of this Act so far as the same are authorized to be carried into effect by those Commissioners.

Constituting District Commissioners.

66. Every Person who shall be *bonâ fide* seised or possessed of Twenty Acres of Land situate in *Needham* Field in his own Right or in right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, shall be and is hereby appointed a Commissioner of the *Needham, Burial, and Birdbeck* District.

Owners of 20 Acres of Land in *Needham* Field to be Commissioners.

67. Every Person who shall be *bonâ fide* seised or possessed as aforesaid of Fifty Acres of Land in *Needham* Field may by Writing under his Hand appoint a Deputy to act as a Commissioner of the *Needham, Burial, and Birdbeck* District during the Pleasure of his Principal, if and so long as he shall continue so seised or possessed, but such Deputy shall act only in the Absence of his Principal.

Owner of 50 Acres of Land may appoint a Deputy.

68. Every Person who shall be *bonâ fide* seised or possessed as aforesaid of One hundred Acres of Land in *Needham* Field may appoint by Writing under his Hand Two Deputies to act as Commissioners of the *Needham, Burial, and Birdbeck* District during the Pleasure of the Principal, if and so long as the Principal shall continue so seised or possessed as aforesaid, and whenever the Principal shall be absent from any Meeting both the Deputies are empowered to act, but if and when the Principal shall be present at any Meeting

Owners of 100 Acres of Land may appoint Two Deputies.

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then such One only of the Deputies as the Principal shall choose is authorized to act.

As to Joint Owners and Deputies.

69. Sections 58 and 59 of the *Middle Level Act, 1862*, shall extend and apply, *mutatis mutandis*, to joint Owners of Fifty Acres of Land and upwards in *Needham Field*, and to Deputies appointed under the Provisions of this Act by any Owner of Lands in that Field.

Commissioners for Burial Field.

70. Two Commissioners of the *Needham, Burial, and Birdbeck* District shall be appointed by the Majority of the Owners of One Acre of Land or upwards situate in *Burial Field* present at a public Meeting of the said Owners assembled at such convenient Place in *Outwell*, and on such Day and Hour in the last Week of *September* in every Year, as shall be appointed in accordance with the Provisions of this Act, of which Meeting Notice shall be given by Advertisement once at least in some Newspaper circulated in the *Isle of Ely*.

Commissioners for Birdbeck Field.

71. Four Commissioners of the *Needham, Burial, and Birdbeck* District shall be appointed by the Majority of the Owners of One Acre of Land or upwards situate in *Birdbeck Field* present at a public Meeting of the said Owners assembled at such convenient Place in *Upwell* or *Outwell*, and on such Day and Hour in the last Week of *September* in every Year, as shall be appointed in accordance with the Provisions of this Act, of which Meeting Notice shall be given by Advertisement once at least in some Newspaper circulated in the *Isle of Ely*.

Regulating Proceedings of Owners of Burial and Birdbeck Fields.

72. The Proceedings of the Owners of Lands in *Burial Field* and *Birdbeck Field* respectively at their respective Annual Meetings held under the Provisions of this Act shall be conducted in accordance with and subject to the following Rules :

1. The Owners present shall appoint One of their Number to be Chairman of the Meeting :
2. The Clerk to the Commissioners shall appoint the Times and Places and give the Notices of and act as the Clerk at the First Meetings of the Owners, and the Clerk to the *Needham, Burial, and Birdbeck* District Commissioners shall give the Notices of and act as Clerk at all subsequent Meetings :
3. Rules No. 1, 4, and 5 in Section 109 of the *Middle Level Act, 1862*, shall, *mutatis mutandis*, extend and apply to every such Meeting.

Meetings of the *Needham, &c.* District Commissioners.

73. The *Needham, Burial, and Birdbeck* District Commissioners may meet from Time to Time at such Place as they may from Time to Time appoint, and their First Meeting shall be on such Day in the Month of *October* after the passing of this Act, and at such Hour and Place,

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Place, as Five or more of the Persons qualified to act as such Commissioners shall in Writing under their Hand appoint, Notice of which Appointment shall be given by Advertisement once at least in some Newspaper circulated in the *Isle of Ely*.

74. In order to the First Meeting of the Commissioners of the *Needham, Burial, and Birdbeck* District the Clerk to the Commissioners shall advertise the Notice thereof in accordance with the Provisions of this Act, and shall act as the Clerk at such Meeting.

As to First Meeting of Commissioners.

75. The *Needham, Burial, and Birdbeck* District Commissioners shall maintain the Drain, Bank, Tunnel, and Works made by the Commissioners in pursuance of Section 49 of the *Middle Level Act, 1848*, and also any Drains or Works made in pursuance of the Indenture of the Twenty-sixth Day of *December* One thousand eight hundred and fifty-one, and may exercise all or any of the following Powers:

Duties and Powers of the *Needham, &c.* Commissioners.

(a) They may from Time to Time make and maintain such other Drains, Banks, Tunnels, Sluices, and Works for maintaining or improving the Drainage of their District, or any Lands therein, as they may think fit, provided that no new Drain to be made or cut by them shall exceed Eleven Feet in Width at the Bottom:

(b) They may make Byelaws requiring the Occupiers of Lands in the *Needham, Burial, and Birdbeck* District to make and maintain their Division Dikes of such Width and Depth as may be deemed sufficient for the proper Drainage of the District, and may enforce the Observance of such Byelaws by a Penalty to be stated therein, but not exceeding in any Case the Sum of Forty Shillings:

(c) They may yearly and every Year tax, charge, and assess all the Lands within the District, and the respective Occupiers or Owners of the Lands, with such an equal Acre Tax as the *Needham, Burial, and Birdbeck* District Commissioners find requisite for the Purposes of this Act with respect to the District, which Tax shall be payable at such Place and Time as they may appoint, and, with the like Penalty in case of Nonpayment thereof for Three Months after the same shall become due, shall be assessed, collected, and recovered in like Manner (*mutatis mutandis*) as the Special Tax by this Act granted is authorized to be assessed and recovered and made subject to.

76. The Monies from Time to Time received by the *Needham, Burial, and Birdbeck* District Commissioners in respect of the Tax assessed by them shall be applicable for defraying the Expenses of and incident to the Meetings of those Commissioners, and of the Owners of Lands in *Burial* Field and *Birdbeck* Field, and the making, maintaining,

Application of *Needham, &c.* Taxes.

Middle Level Act, 1867.

maintaining, altering, enlarging, widening, deepening, and improving of the Drains and Drainage Works within the District, and the carrying into execution in other respects of this Act within and for the Purposes of the District.

Certain Sections of the Middle Level Act, 1862, to apply to the Needham, &c. Commissioners.

77. Subject to the Provisions of this Act, the following Sections of the "*Middle Level Act, 1862*," extend and apply (*mutatis mutandis*) to the *Needham, Burial, and Birdbeck* District Commissioners, namely, Sections 59 to 64 both inclusive, and Section 117 as amended by this Act, but with the Exception of the Provisoes in that Section.

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

78. Subject to the Provisions of this Act, Section 104 of the Commissioners Clauses Act, 1847, and the Provisions of that Act with respect to the Appointment and Accountability of Officers of the Commissioners, extend and apply to the *Needham, Burial, and Birdbeck* District Commissioners.

Several Names in One Warrant, &c.

79. Any Notice, Summons, or Warrant of Distress for any of the Purposes of any of the *Middle Level Acts* or this Act may contain in the Body thereof or in a Schedule thereto several Names and several Sums.

Correction of Clerical Error in Section 5 of the Act of 1862.

80. Inasmuch as in Section 5 of the *Middle Level Act, 1862*, the Words "over and" are erroneously inserted after the Word "otherwise" in the Fourth Line of the Clause (being the Second Line of the Page of the Act numbered 2758 as printed in the Queen's Printers Copies of the Act, dated 1862), and it is expedient to correct such Error: Therefore the said Section 5 is by this Act amended by omitting the Words "over and" after the Word "otherwise" in the Fourth Line of that Section in the Copy of the Act printed by the Queen's Printers, and dated 1862, and henceforth the said Section shall be read as if the said Words "over and" in the said Place had not been contained in the said Section.

Saving Rights of Commissioners.

81. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Jurisdictions, Authorities, Estates, Rights, Interests, Powers, Privileges, or Immunities of the Commissioners.

Expenses of Act.

82. All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Commissioners, and may be paid by them in the first instance out of their General Fund, and if so paid the Amount thereof shall be repaid to their General Fund out of the Special Tax Fund as by this Act provided.

The

Middle Level Act, 1867.

The SCHEDULE referred to in the foregoing Act.

THIS Indenture made the Twenty-sixth Day of December One thousand eight hundred and fifty-one between the several Persons whose Names and Seals are hereunto subscribed and set of the First Part, and the Middle Level Drainage Commissioners acting under and in execution of an Act of Parliament passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act for improving the Drainage and Navigation of the Middle Level of the Fens," and also under "The Middle Level Drainage Amendment Act, 1848," and their Clerk for the Time being, of the Second Part: Whereas by the Forty-ninth Section of the said Middle Level Drainage Amendment Act, 1848, it is enacted, "that the said Middle Level Drainage Commissioners shall make (but when made they shall not be thereafter required or be liable to maintain or repair) a Drain to enable the Proprietors of Land in Needham and Burial Fields in Elm and Outwell, and in Birdbeck Field in Upwell and Outwell, to drain the same into the River Nene on the Southward Side of the said Pen Sluice, the said Drain to commence at such Point in One of the Drains in the said Fields or One of them, and to proceed in such Direction, and to be of such Dimensions, as the Engineer of the said Middle Level Drainage Commissioners in his Discretion shall direct:" And whereas the Provisions of the said Section, so far as relates to the said Drain for Needham, have been complied with, and the said Drain has been formed as directed by the said Act, and made and completed from the River Nene to Dod's Stile, which is the Western Boundary of Birdbeck Field: And whereas it would effect a considerable Saving of Expense, and be in other respects greatly to the Advantage of all Parties interested, if the said Persons, Parties hereto, of the First Part, were to execute such further or remaining Works as may be requisite for enabling the Proprietors of Land in Burial Field in Outwell, and in Birdbeck Field in Upwell and Outwell aforesaid, to drain the same into the said Drain already made by the said Middle Level Drainage Commissioners, and so into the River Nene, as provided by the Forty-ninth Section of the said Middle Level Drainage Amendment Act, 1848, so as to relieve the said Middle Level Drainage Commissioners from the Necessity of making the Drain or Watercourse mentioned in the said Forty-ninth Section so far as the same is now undone or incomplete: And whereas the said several Persons, Parties hereto, of the First Part, are desirous and willing to execute the said further or remaining Works required by the said Forty-ninth Section of the Middle Level Drainage Amendment Act, 1848, on being paid by the said Middle Level Drainage Commissioners the Sum of Eighty-eight Pounds, and the said Middle Level Drainage Commissioners, on being indemnified from all Liability for executing the same, and after having fully considered that such Arrangement will be most advantageous to them, are therefore willing to agree to the same; and it hath accordingly been agreed that these Presents shall be entered into and executed by way of Contract between the said several Parties hereto in manner and to the effect herein-after appearing, and for indemnifying the said Middle Level Drainage Commissioners and their Successors, and their Effects, against all Claims and Demands in respect thereof as herein-after mentioned; and on the Faith of such Covenants and Indemnity being entered

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into

Middle Level Act, 1867.

into the said Middle Level Drainage Commissioners have agreed to pay the said Sum of Eighty-eight Pounds as herein-after mentioned: Now this Indenture witnesseth that in pursuance of the said recited Agreement, and in consideration of the Premises and of the Sum of Eighty-eight Pounds of lawful English Money to the said several Persons, Parties hereto, of the First Part, paid by the said Middle Level Drainage Commissioners immediately before the Execution hereof, the Receipt whereof they do hereby acknowledge, and of and from the same do hereby acquit, release, and discharge the Middle Level Drainage Commissioners and their Successors for ever, they the said several Persons, Parties hereto, of the First Part, do and each and every of them doth by these Presents remise, release, and for ever quit claim and discharge the said Middle Level Drainage Commissioners and their Successors, and every of them, of and from all Obligation and Liability whatsoever to make or execute the said further or remaining Works authorized by the said "Middle Level Drainage Amendment Act, 1848," to be performed and executed with respect to the making of the said Drain for enabling the Proprietors of Land in Burial and Birdbeck Fields to drain into the River Nene as in the said Forty-ninth Section is mentioned, and also of and from all and every Action and Actions, Suit and Suits, Cause and Causes of Action and Suit, Sum and Sums of Money, Claims and Demands whatsoever, both at Law or in Equity, or otherwise howsoever, which the said several Persons, Parties hereto, of the First Part, or any Owners or Proprietors or Occupiers of Land within the said Burial and Birdbeck Fields respectively, or their respective Heirs or Assigns, or any of them, might at any Time or Times hereafter lawfully have, claim, challenge, bring, or be entitled to upon or against the said Middle Level Drainage Commissioners or their Successors for or in respect of or with reference to the said further or remaining Works required by the said Forty-ninth Section of the said Middle Level Drainage Amendment Act, 1848, to be executed, or the Expense of executing the said Works, or any of them not being executed by the said Middle Level Drainage Commissioners as required by the said Middle Level Drainage Amendment Act, 1848: And this Indenture also witnesseth that in further pursuance of the said Agreement, and in consideration of the Premises, they the said several Persons, Parties hereto, of the First Part, whose Names and Seals are hereunto subscribed and set, do hereby for themselves jointly and severally, and for their respective Heirs, Executors, and Administrators, covenant, promise, and agree to and with the said Middle Level Drainage Commissioners, their Successors and Assigns, jointly and severally, and also with the Clerk for the Time being of the said Middle Level Drainage Commissioners in trust for and for the Benefit of the said Middle Level Drainage Commissioners, in manner following; (that is to say,) that the said several Parties hereto of the First Part whose Names and Seals are hereunto subscribed and set, their Heirs, Executors, and Administrators, some or one of them, shall and will for and in the Place and Stead of the said Middle Level Drainage Commissioners, at the sole Costs and Charges of them the said Persons, Parties hereto, of the First Part, or some Person or Persons other than the said Middle Level Drainage Commissioners, from Time to Time execute all such further or remaining Works with respect to the said Drain herein-before mentioned as now are or at any Time or Times hereafter shall or may be requisite for carrying out the Provisions of the said Forty-ninth Section of the said Middle Level Drainage Amendment Act, 1848; and further that they the said Persons, Parties hereto, of the First Part, their Heirs, Executors, and Administrators, some or one of them, shall and will from Time to Time and at all Times for ever hereafter fully, freely, absolutely, and effectually protect, indemnify, and save harmless

Middle Level Act, 1867.

harmless the said Middle Level Drainage Commissioners and their Successors, and the Lands, Taxes, Tolls, and Funds vested or that shall become vested in them by virtue of the said Middle Level Drainage Acts, or any or either of them, or otherwise, and the Lands and Tenements, Goods and Chattels, of them the said Middle Level Drainage Commissioners, their Successors or Assigns, as such Commissioners, and personally as Individuals, their Heirs and Assigns, of, from, and against all Penalty or Penalties, Action or Actions, Suits, Causes of Action and Suit, Losses, Damages, Costs, Charges, Expenses, Claims, and Demands whatsoever which they the said Middle Level Drainage Commissioners, or their Successors, Heirs, or Assigns, may at any Time or Times hereafter sustain, pay, incur, or be put unto for or by reason of the further or remaining Works required by the said Middle Level Drainage Amendment Act, 1848, or any Part thereof respectively, in respect of the said Drain for Burial and Birdbeck Fields, or either of them, not being duly executed or done, or for or by reason of the Damage or Injury hereafter to be sustained or incurred by the said Persons, Parties hereto, of the First Part, or any other Person or Persons whomsoever in respect thereof, or for or by reason of the same Works being insufficiently or ineffectually done or executed. In witness whereof the said Parties to these Presents have hereunto set their Hands and Seals the Day and Year first above written.

G. J. (L.S.) HUDDLESTON.
 JAMES (L.S.) BUNDAY,
 JOSEPH (L.S.) ADAMS.
 JAMES (L.S.) CLARKE.
 CHARLES (L.S.) SHARPE.
 GEORGE (L.S.) DEALTRY.
 WILLIAM (L.S.) KISBY.
 JOHN (L.S.) ROBB.
 JOHN (L.S.) ATHERTON.
 ROBT (L.S.) SHEPHERD.
 THO^s (L.S.) EAGLESTONE.
 EDWARD (L.S.) OAKES.

W^m (L.S.) MURFET.
 The Mark and Seal of
 ELIZth x (L.S.) RANSOM.
 THO^s (L.S.) BERRY.
 FRANCIS (L.S.) WRATE.
 W^m (L.S.) REEVE.
 JOHN (L.S.) GOULDIN.
 WILLIAM (L.S.) HOPKIN.
 WILLIAM (L.S.) TROWER.
 PETER (L.S.) HUDDLESTON.
 CHARLES (L.S.) HUGH WOOLL.
 JAMES (L.S.) COUSINS.
 JAMES (L.S.) GAY.

Signed, sealed, and delivered by the within-named George James Huddleston and William Trower in the Presence of

W. L. OLLARD, Sol^r, Upwell.

Signed, sealed, and delivered by the within-named James Clarke, Charles Sharpe, George Dealtry, John Robb, Elizabeth Ransom, Thomas Berry, William Reeve, William Hopkin, John Atherton, James Bunday, Joseph Adams, William Kisby, William Murfet, Francis Wrate, John Gouldin, Robert Shepherd, Thomas Eaglestone, and Edward Oakes in the Presence of me

RICH^d D. OLLARD, Clerk to Mr. W. L. Ollard, Sol^r, Upwell.

Signed, sealed, and delivered by the within-named Peter Huddleston in the Presence of

W. L. OLLARD.

Signed, sealed, and delivered by the within-named James Gay in the Presence of

ROSE GAY, Thurning, Norfolk, Spinster.

Signed, sealed, and delivered by the within-named Charles Hugh Wooll and James Cousins in the Presence of

W. L. OLLARD.

Received

Middle Level Act, 1867.

Received on the Day and Year first within written of and from the within-named Middle Level Drainage Commissioners the Sum of Eighty-eight Pounds, being the Consideration Money within expressed to be by them paid to us.

JAMES CLARKE.

CHARLES SHARPE.

GEORGE DEALTRY.

JOHN ROBB.

The Mark of × ELIZABETH
RANSOM.

THOMAS BERRY.

WILLIAM REEVE.

W. HOPKIN.

JOHN ATHERTON.

THOMAS EAGLESTONE.

PETER HUDDLESTON.

JAMES COUSINS.

JAMES GAY.

G. J. HUDDLESTON.

JAMES BUNDAY.

JOSEPH ADAMS.

WILLIAM KISBY.

WILLIAM MURFET.

FRANCIS WRATE.

JOHN GOULDIN.

WILLIAM TROWER.

ROBERT SHEPHERD.

EDWARD OAKES.

CHARLES HUGH WOOLL.

Witness to the Signature of Peter Huddleston, George James Huddleston,
William Trower, Charles Hugh Wooll, and James Cousins,

W. L. OLLARD.

Witness to the Signature of James Gay,

ROSE GAY.

Witness to the Signatures of James Clarke, Charles Sharpe, George Dealtry,
John Robb, Elizabeth Ransom, Thomas Berry, William Reeve, William
Hopkin, John Atherton, Thomas Eaglestone, James Bunday, Joseph
Adams, William Kisby, William Murfet, Francis Wrate, John Gouldin,
Robert Shepherd, and Edward Oakes,

RICH^d D. OLLARD.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.