



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. civ.

An Act to amend the Acts for improving the Drainage and Navigation of the Middle Level of the Fens, and for other Purposes connected therewith. [22d July 1848.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of King George the Third, intituled *An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens, commonly called Bedford Level*: And whereas another Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, intituled *An Act for improving the Drainage and Navigation of the Middle Level of the Fens*: And whereas an Act was passed 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*: And whereas an Act was passed in the Thirty-second Year of the Reign of His said Majesty King

50 G.3. c.125.

7 & 8 Vict. c. 106.

22 G. 2. c. 11

[Local.]

13 Z

King

- 32 G. 2. c. 13. King George the Second, intituled *An Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of Somersham and Pidley-with-Fenton in the Parish of Colne, in the County of Huntingdon*, whereby certain other Fen Lands and Low Grounds lying in the Parishes therein mentioned were added to and directed to be drained with the Fen Lands and Low Grounds described in the said Act of the Twenty-second Year of the Reign of King George the Second: And whereas an Act was passed in the Fifteenth Year of the Reign
- 15 G. 3. c. 65. of King George the Third, intituled *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 and County of Cambridge*, whereby the Boundaries described in the said Two last-recited Acts were altered, and certain Lands therein described were taken from the Control of the Commissioners acting by virtue of the said Act of the Twenty-second Year of the Reign of King George the Second: And whereas an Act was passed in the Seventeenth Year of the Reign of His said Majesty King George the Third, intituled
- 17 G. 3. c. 65. *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*: And whereas an Act was passed in the Forty-sixth Year
- 46 G. 3. c. 96. of the Reign of His said Majesty King George the Third, intituled *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 relates 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*: And whereas the Undertaking directed by the said secondly herein-before recited Act for the Improvement of the Drainage of the said *Middle Level* hath been in part performed, and especially a certain new Cut from the lower End of the River called the *Sixteen Feet River* to the River *Ouze* hath been already executed: And whereas it is expedient to abandon the Execution of divers Works, Parcel of the said Undertaking, and to transfer the Powers for executing other of the Works to the Commissioners for executing the Three herein-before recited Acts passed respectively in the Twenty-second Year of the Reign of King George the Second, and in the Seventeenth and Forty-sixth Years of the Reign of King George the Third: And whereas the Funds and Monies provided by the said secondly-recited Act, for the Execution of the said Undertaking by the said Act directed to be performed and executed, have been found to be insufficient for the due and proper Execution and Completion of the Residue of the said Undertaking: And whereas
it

it is expedient to provide Funds for the Completion of such Undertaking, and for executing the Works by this Act authorized to be done by the *Middle Level* Drainage Commissioners: And whereas it is expedient to amend, alter, and repeal some of the Provisions of the said recited Acts, but the Purposes 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, That so much of the said secondly-recited Act as directs and provides that the *Middle Level* Drainage Commissioners therein mentioned shall scour, cleanse, enlarge, deepen, and widen the *Old Bedford River*, and the Drain called the *Counter Wash Drain* communicating therewith, and so much of the *Forty Feet River* as lies between the Sluice herein-after mentioned and the Junction of the said *Forty Feet River* with the said *Old Bedford River*, and also so much of the said last-mentioned Act as provides that the said *Middle Level* Drainage Commissioners shall make and maintain a Cut for conveying the Waters of the said *Old Bedford River* from the said River into *Well Creek*, shall be and the same are hereby repealed: Provided always, that no Liability to scour, cleanse, or uphold the said *Old Bedford River* shall, by reason or in consequence of the Repeal of such Provisions or any of them accrue or be imposed upon the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*.

So much of
7 & 8 Vict.
c. 106.
as directs cer-
tain Works
to be made
repealed.

II. And be it enacted, That the Words "*Sutton and Mepal Commissioners*" shall for the Purposes of this Act be taken to mean the Commissioners acting in execution of and under the Powers and Provisions of the said Three herein-before recited Acts passed respectively in the Twenty-second Year of the Reign of King *George the Second* and in the Seventeenth and Forty-sixth Years of the Reign of King *George the Third*.

Short Title of
Sutton and
Mepal Com-
missioners.

III. And be it enacted, That it shall be lawful for the said *Middle Level* Drainage Commissioners, and they are hereby required, to make and erect and for ever to maintain a Pen Sluice across the said *Forty Feet River*, between the Junction of the said *Forty Feet* and *Sixteen Feet* Rivers and the Junction of the said *Forty Feet* and *Old Bedford* Rivers, at or near a certain Drainage Mill situate on the Bank of the said *Forty Feet River* belonging to Messieurs *John Richardson* and *Fryer Richardson*, near *Horseway Bridge*, and the said Pen Sluice shall be at least Fifty Feet in Length and Twelve Feet in Width, and be so constructed as to allow a navigable Depth of Four Feet; and the sole Management, Control, and Regulation of the said Pen Sluice shall be and the same is hereby wholly vested in the said *Middle Level* Drainage Commissioners, and they shall use the same Sluice, subject to the Rights of Navigation, in any way they may think proper, for the Purpose of preventing the Water from the said *Old Bedford River* and from such Part of the said *Forty Feet River* as lies at the South-east of such intended Sluice from draining into the said *Forty Feet River* or other Cuts or Watercourses in the said

A Sluice to be
placed across
the *Forty
Feet River*
between its
Junction with
the *Sixteen
Feet* and
*Welches
Dam Sluice*.

said *Middle Level*; and the said *Sutton and Mepal* Commissioners shall, on the Completion of the said Sluice, and within Two Months after Demand made on behalf of the said *Middle Level* Drainage Commissioners, pay to their Treasurer One Tenth Part of the Cost of erecting such Sluice, such Cost in case of any Difference between the Parties to be ascertained by Two Arbitrators, one to be chosen by the said Drainage Commissioners and the other by the said *Sutton and Mepal* Commissioners, or by the Umpire of the said Arbitrators; and the Amount of the said One Tenth Part, in case of any Default in Payment, shall be recoverable by the said Drainage Commissioners against the said *Sutton and Mepal* Commissioners by an Action of Debt in any one of Her Majesty's Courts of Record at *Westminster*.

For Recovery
of Monies
from Sutton
and Mepal
Districts.

IV. And be it enacted, That if any Sum so payable by the said *Sutton and Mepal* Commissioners shall be in arrear for Two Months after the same shall have been demanded by the said *Middle Level* Drainage Commissioners, it shall be lawful for the said *Middle Level* Drainage Commissioners, or any Seven or more of them, when assembled at any Meeting under this Act, to issue a Notice or Demand in Writing under their Hands, and to cause the same to be afterwards delivered to or left at the usual Place of Abode of any Occupier of any Land liable to be assessed to any Taxes payable by the said *Sutton and Mepal* Commissioners, requiring such Occupier to pay to the said *Middle Level* Drainage Commissioners any Taxes and Penalties which may be then due and payable, or may thenceforth become due and payable, from the Owner or Occupier of such Land to the said *Sutton and Mepal* Commissioners, until the whole Amount of the said Sum so payable as aforesaid by the said *Sutton and Mepal* Commissioners to the said *Middle Level* Drainage Commissioners, and all Costs attending such Notice or Demand, shall be fully paid and satisfied; and if such Occupier shall neglect or refuse to pay the Amount of his Taxes and Penalties (if any) which may be due thereon within Twenty-one Days next after such Notice or Demand shall be given, or, if the said Taxes shall not be then due, within Twenty-one Days next after the same shall become due and payable, then the said *Middle Level* Drainage Commissioners shall have the like Powers and Remedies, by Distress or otherwise, for Recovery of the said Taxes and Penalties, and the Costs attending the same, from such Owner or Occupier as the said *Sutton and Mepal* Commissioners could then have and exercise under any Act or Acts of Parliament by which the said Taxes were or may be assessed.

Owner or
Occupier not
to pay Taxes
in the said
Districts after
Notice.

V. And be it enacted, That it shall not be lawful for any such Owner or Occupier after such Notice or Demand to pay any Taxes or Penalty whatever to the said *Sutton and Mepal* Commissioners, until the whole of the said Sum and Penalty mentioned in such Notice or Demand shall be paid and satisfied to the said *Middle Level* Drainage Commissioners: Provided always, that nothing herein contained shall prejudice or affect the Rights of any Person or Persons who shall have advanced or lent any Sum or Sums of Money upon the Credit of such Rates or Taxes, but such Rights shall remain and continue in force in the same Manner as before the passing of this Act.

VI. And

VI. And whereas it is expedient that, until the said Sluice across the said *Forty Feet River* shall be completed, the Regulation, Management, and Control of a certain Sluice situate at the Junction of the said *Forty Feet River* with the *Old Bedford River*, called *Welches Dam Sluice*, should be given to and vested in the said *Middle Level Drainage Commissioners*, in order that they may use the same (subject to the Rights of Navigation) for the Purpose of preventing the Waters of the *Old Bedford River* and the *Counter Wash Drain* from flowing into the said *Forty Feet River*, and thereby draining the Lands mentioned in Schedules (A.) and (B.) hereto annexed: Be it therefore enacted, That from and after the passing of this Act, until the Completion of the Sluice across the said *Forty Feet River* hereby authorized to be constructed by the said *Middle Level Drainage Commissioners*, the sole Management, Control, and Regulation of the said Sluice called *Welches Dam Sluice* shall be and the same is hereby wholly vested in the said *Middle Level Drainage Commissioners*, and they shall, subject to the Rights of Navigation, use the same Sluice as a Dam, or, in any way they may think proper, control and regulate the same for the Purpose of preventing the Waters of the said *Old Bedford River* and *Counter Wash Drain* from flowing or draining into the said *Forty Feet River* or other Cuts and Watercourses in the said *Middle Level*.

Power for Middle Level Commissioners, during the Execution of their Works, to regulate Welches Dam Sluice.

VII. And be it enacted, That the Powers hereby given to the said *Middle Level Drainage Commissioners* and to the *Sutton and Mepal Commissioners* respectively for the Execution of the Works herein authorized to be made by them respectively shall not be exercised after the Expiration of Seven Years from the passing of this Act.

Time for Completion of Works limited.

VIII. And be it enacted, That from and after the passing of this Act nothing in the said secondly-recited Act or this Act contained shall be held or construed to require, authorize, or empower the said *Middle Level Drainage Commissioners* to make or construct any Cuts, Drains, Dams, or other Works within the said *Sutton and Mepal Level* or the *Manea and Welney District*, or any other of the Lands mentioned in the said Schedules marked (A.) and (B.) annexed to this Act respectively, for the Drainage of such Level, District, or Lands respectively.

Drainage Commissioners not to be required to execute certain Works for Drainage of Lands.

IX. And be it enacted, That after the passing of this Act it shall not be lawful for the Commissioners of the *Sutton and Mepal Level*, or for the Commissioners of the *Manea and Welney District*, or for any of the Owners or Occupiers of Lands and Hereditaments therein, or for the Owner or Occupier of any Lands contained in the Schedules (A.) and (B.) annexed to this Act, situate in *Bluntisham cum Earith*, or *Colne*, or *Somersham*, in the County of *Huntingdon*, or the Owner or Occupier of certain Lands situate at or near to *Purbs Bridge*, now or late belonging to Mr. *John Owen*, or of any Part thereof, or any other of the Lands contained in the said Schedules (A.) and (B.) annexed to this Act, to drain, run, or pass, or cause any Water from the said Lands and Hereditaments or any Part thereof, or from any other River or Watercourse within such last-named Level and District, or either of them, in any way to drain, run, or

Lands in Sutton and Mepal Level, Manea and Welney District, &c. not to drain into any other Parts of the Middle Level.

pass, into any other Lands, being Part of the said *Middle Level*, or into any of the Cuts, Drains, Rivers, or Watercourses within any other Part of the said *Middle Level*, except into the said *Old Bedford River* and *Counter Wash Drain*.

Middle Level Drainage Commissioners may erect Dams and Works to prevent Drainage from other Lands.

X. And be it enacted, That it shall be lawful for the said *Middle Level Drainage Commissioners* for the Time being, at their own Charges and Expenses, at any Time or Times hereafter to make and maintain in or upon any Lands or Hereditaments within the said *Sutton and Mepal Level* or *Manea and Welney District*, or described in the said Schedules (A.) and (B.) to this Act annexed, or any other Lands within the said *Middle Level*, all such Dams, Banks, and other Works as shall in their Opinion be thought necessary or expedient for the Purpose of effectually preventing the draining, soaking, or running of any Drainage, Flood, or other Water from any Lands and Hereditaments within the said *Sutton and Mepal Level* or *Manea and Welney District*, or either of them, or from any other Lands described in the said Schedules (A.) and (B.) to this Act annexed, or from the said *Old Bedford River* or any other River or Watercourse used for the Drainage of the said Districts or Lands or any Part thereof, into any other Lands being Part of the said *Middle Level*, or into the said *Forty Feet River* to the North-westward of the said Sluice hereby authorized to be constructed as aforesaid, or into any Part of the said *Sixteen Feet River* or *Well Creek*, or the said new Cut, or into any other Cut, Watercourse, or River within the said *Middle Level*, except the said *Old Bedford River* and *Counter Wash Drain*, and also except as hereafter provided with respect to *Darcey Lode River* or Drain.

Middle Level Commissioners may enter upon Lands in Sutton and Mepal Level and Manea and Welney District for that Purpose.

XI. And be it enacted, That, for the Purpose of making or maintaining any such Dam, Banks, or other Works as last aforesaid, or for the Purpose of inspecting the Drainage of the said Lands and Hereditaments or any Part thereof, it shall be lawful for the said *Middle Level Drainage Commissioners* or any of them, or any Persons on their Behalf, at all Times hereafter, to enter into and use any Lands and Hereditaments within the said *Sutton and Mepal Level* or *Manea and Welney District*, or described in the said Schedules (A.) and (B.) to this Act annexed: Provided always, that the said *Middle Level Drainage Commissioners* shall make full Satisfaction to all Persons whose Lands or Hereditaments they shall enter upon and use for any of the Purposes aforesaid for the same Lands and Hereditaments (if taken), or otherwise, for the Loss or Damage they shall sustain; and the Amount of such Satisfaction, in case of Difference, may be ascertained and recovered in like Manner as the Value of Lands taken by the said *Middle Level Drainage Commissioners* under the said recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty is thereby directed to be ascertained and recovered.

Penalty on Commissioners of Sutton and Mepal Level and

XII. And be it enacted, That if the Commissioners of the said *Sutton and Mepal Level* and *Manea and Welney District*, or either of them, or any of the Owners or Occupiers of Lands and Hereditaments therein, or any of the Owners or Occupiers of the Lands described in the

the Schedules (A.) and (B.) to this Act annexed, or any other Person or Persons, shall cut, destroy, or otherwise injure any Bank, Siding, or other Work belonging to the said *Middle Level* Drainage Commissioners, or shall do any Act, Matter, or Thing whatsoever by means whereof any Water shall be drained or passed from any of the Lands and Hereditaments, Rivers or Watercourses, within the said *Sutton and Mepal Level* or *Manea and Welney District*, or described in the said Schedules (A.) and (B.), into or through any other Lands being Part of the said *Middle Level*, or into the said *Forty Feet River* to the North-westward of the said Sluice, or into any Part of the said *Sixteen Feet River*, *Well Creek*, *Popham's Eau*, or the said new Cut, or into any other Cut, Drain, River, or Watercourse of the said *Middle Level*, (except the *Old Bedford River* and the *Counter Wash Drain*), or if any of such Owners or Occupiers shall, without giving Notice thereof by Post or otherwise within Twenty-four Hours to the Clerk of the *Middle Level* Drainage Commissioners, or some one of their Officers, knowingly permit any Water to be unlawfully drained or passed from or through any of their Lands within the said *Sutton and Mepal Level* and *Manea and Welney District*, or any Lands described in the said Schedules (A.) and (B.), into any other Lands, Rivers, or Drains under the Jurisdiction of the *Middle Level* Drainage Commissioners, all and every Persons or Person so offending shall for every such Offence forfeit and pay unto the said *Middle Level* Drainage Commissioners the Sum of One hundred Pounds, and an additional Sum of Fifty Pounds for every Day and Part of a Day during which any Water shall be so drained or pass as aforesaid, over and above any Damages thereby occasioned, the Amount of which said Forfeiture and Damages shall be recoverable by Action at Law, or, if the said *Middle Level* Drainage Commissioners shall think fit, may be ascertained in the same Manner as the Amount of any Damages or Charges by the said recited Act of the Seventh and Eighth Years of Her present Majesty directed or authorized to be paid, and the Method of ascertaining the Amount whereof is not thereby otherwise provided for, is directed to be ascertained, and may be recovered in the same Manner as Penalties or Forfeitures imposed by the said Act, and the Recovery of which is not otherwise provided for, may be recovered.

Manea and
Welney
Districts, &c.
if they drain
into other
Parts of
Middle Level.

XIII. Provided always, and be it enacted, That nothing in this Act contained shall be held or taken to alter, diminish, or in anywise affect the Right or accustomed Privilege of the Commissioners of any District, or of any Owners or Occupiers of Lands lying in any District, or of any other Person or Persons, to draw or take Water at all Times between the First Day of *April* and the First Day of *October* in each and every Year, but not at other Times, by the *Old Darcy Lode* River or Drain from the *Old Bedford River*, through a Tunnel under the Bank at *Welney*, and by an Iron Pipe, not to exceed Six Inches in Diameter, at a Place called *Handley's Mill* in the said *Bedford River*, for the Use of the said Districts or any Lands lying therein, or any other Lands whatever, but that the said Commissioners and Owners and Occupiers of Lands and other Persons shall, from and after the passing of this Act, continue to have and enjoy such Right or Privilege as they have heretofore had or enjoyed.

Saving exist-
ing Rights to
take Water
from Old
Bedford
River or
Darcy Lode
Drain.

XIV. And

Sutton and Mepal and Manea and Welney and certain other Lands to be exempt from future Taxes under Middle Level Drainage Commissioners, except what due before passing of Act.

XIV. And be it enacted, That from and after the passing of this Act it shall not be lawful for the said *Middle Level* Drainage Commissioners to tax, charge, or assess the Lands situate within the said *Sutton and Mepal Level* and *Manea and Welney District*, or any of them, or the other Lands mentioned in the Schedule to this Act annexed marked (A.) or any of them, or the respective Owners or Occupiers of such Lands or any of them, or any of such Owners or Occupiers, in respect of such Lands or any Part of such Lands, with any Acre Tax, under the Powers and Provisions of the said firstly and secondly recited Acts, or either of them, or of this Act: Provided always, that nothing in this Act shall be held or construed to alter or affect in any way the Rights, Powers, and Authorities of the said *Middle Level* Drainage Commissioners to raise, levy, recover, and enforce the Payment of any Tax or Arrears of Tax or Sums of Money charged or assessed, or which had become due or payable before the passing of this Act, upon or from the said Lands or any of them, or the Owners or Occupiers thereof or of any of them or any Part thereof, and which said Taxes and Arrears of Taxes and Sums of Money the said *Middle Level* Drainage Commissioners are hereby authorized and required to levy and recover, and the same shall be levied, recovered, and received without any Penalties, any thing in the said secondly-recited Act contained to the contrary notwithstanding.

Present Taxes on Lands in Schedule (B.) to continue.

XV. Provided always, and be it enacted, That nothing herein contained shall be held or construed to exempt from the Taxes imposed and to be imposed by or under the Authority of the said secondly-recited Act the Lands situate in the respective Parishes of *Colne* and *Bluntisham cum Earith* and *Somersham*, and certain Banks and Forelands between the *Black Sluice* at *Earith* aforesaid and the *Old Bedford Sluice*, and mentioned in the said Schedule to this Act annexed and marked (B.), and the respective Occupiers of such Lands, but the same Lands shall remain and continue liable to be annually taxed by the said *Middle Level* Drainage Commissioners according to the Provisions of the said secondly-recited Act, and the Taxes to be received by the said *Middle Level* Drainage Commissioners in respect of such Lands mentioned in the said Schedule (B.) shall be annually, on or before the First Day of *March* in every Year, paid by the said *Middle Level* Drainage Commissioners to the said *Sutton and Mepal* Commissioners in aid of their general Funds, and the first annual Payment thereof shall be made on the First Day of *March* next, and the Receipt of the said *Sutton and Mepal* Commissioners or any Five of them, or of their Treasurer for the Time being, shall always be a good and complete Discharge to the said *Middle Level* Drainage Commissioners; and the said *Middle Level* Drainage Commissioners shall, within Six Months from the passing of this Act, likewise pay to the *Sutton and Mepal* Commissioners, in aid of their Funds, the Amount of all the Taxes received by the said *Middle Level* Drainage Commissioners upon, for, or in respect of the said last-mentioned Lands, Banks, and Forelands since the passing of the said secondly-recited Act, and the Receipt of the said *Sutton and Mepal* Commissioners or of any Five or more of them, or of their Treasurer for the Time being, shall always

always be a good Discharge to the said *Middle Level Drainage Commissioners*.

XVI. Provided always, and be it enacted, That no Owner of any of the Lands in the said Schedules (A.) and (B.) shall, from and after the passing of this Act, be qualified or entitled either wholly or in part, in respect of such Lands, to become a Commissioner, or to continue or to act as a Commissioner or Deputy Commissioner, or to continue or to appoint a Deputy under the said Two first-recited Acts or this Act, or either of them, anything in the said Two first-recited Acts or this Act, or either of them, to the contrary notwithstanding.

Lands in Schedules (A.) and (B.) not to give any Qualification to act as Commissioner or appoint a Deputy.

XVII. And whereas it is by the said secondly-recited Act provided that the *Nene Navigation Commissioners* therein mentioned should annually pay to the said *Middle Level Drainage Commissioners* One Moiety of the full net Amount of certain Tolls and Monies therein mentioned, payable to or vested in them under the said secondly herein-before recited Act, a Portion whereof arise from certain Tolls collected at the Sluice at the Junction of the said *Old Bedford River* with the River *Ouze* called the *Old Bedford Sluice*: Be it enacted, That from and after the passing of this Act the said *Nene Navigation Commissioners* shall and they are hereby required from Time to Time annually to pay such Part of the said Tolls and Monies payable by them to the said *Middle Level Drainage Commissioners* as shall arise from Tolls received by them at the said *Old Bedford Sluice* (but not elsewhere) to the said *Sutton and Mepal Commissioners* at the same Time and in the same Manner as but for this Act they would have been liable to pay the same to the said *Middle Level Drainage Commissioners*, and the Receipt of the said *Sutton and Mepal Commissioners*, or any Five or more of them, or their Clerk, Treasurer, or Receiver for the Time being, shall be a good and valid Discharge to the said *Nene Navigation Commissioners* for any Sums so paid as aforesaid, and such Residue of the said Tolls and Monies shall be paid and applied as provided by the said secondly-recited Act; and such Tolls and Monies to be so paid to the said *Sutton and Mepal Commissioners* shall be by them paid and applied and expended in cleansing and scouring out the *Old Bedford River* from Time to Time as it shall be deemed expedient by them; provided that neither the Receipt of the said Tolls and Monies by the said *Sutton and Mepal Commissioners*, nor anything in this Act contained, shall extend or be construed to extend to make the said *Sutton and Mepal Commissioners* chargeable with or liable to the Maintenance or Repair of the *Old Bedford River* or the *Forty Feet River* in any Manner howsoever, except only the *Old Bedford River* to the Extent of the Tolls and Monies to be from Time to Time paid to them the said *Sutton and Mepal Commissioners* by the said *Nene Navigation Commissioners* as aforesaid.

Sutton and Mepal Commissioners to receive One Half of the Tolls collected at Old Bedford Sluice.

XVIII. And be it enacted, That the said *Sutton and Mepal Commissioners* shall, within Eighteen Months from the passing of this Act, scour, cleanse, enlarge, deepen, and widen the said *Counter Wash Drain*, according to the Plans and Sections of such Work deposited, in reference to this Act, with the Clerks of the Peace for

Sutton and Mepal Commissioners to execute certain Works.

[*Local.*]

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the respective Counties of *Huntingdon* and *Cambridge*, and the *Isle of Ely*, as herein-after mentioned, and shall have such and so many of the Powers and Authorities necessary for that Purpose as the said *Middle Level* Drainage Commissioners would have possessed or been entitled to exercise in respect thereof under the Powers and Authorities of the said secondly-recited Act if this Act had not passed, and as fully to all Intents and Purposes as if the said several Powers and Authorities had been expressly re-enacted herein *mutatis mutandis*, except so far as the same are herein expressly altered or varied.

In case Bridges over the Counter Wash Drain are pulled down or injured, &c. the same to be rebuilt or restored.

XIX. Provided always, and be it enacted, That if the *Sutton and Mepal* Commissioners shall be compelled in the Execution of their Works to take down and remove any Bridges over the said *Counter Wash Drain*, or if any of the said Bridges shall be injured by or require Alteration or rebuilding in consequence of the cleansing, enlarging, deepening, and widening the said *Counter Wash Drain*, then the said *Sutton and Mepal* Commissioners shall restore or re-erect the said Bridges, or build new ones in lieu thereof equally convenient and durable, as soon as the State of the Works on the Line of the said Drain will allow.

Power for Sutton and Mepal Commissioners to borrow Money on Mortgage.

XX. And for providing Funds for the Execution of the said last-mentioned Work, be it enacted, That the said *Sutton and Mepal* Commissioners, or any Five or more of them, assembled at a Meeting, shall and may and they are hereby empowered from Time to Time to borrow in aid of their general Funds any Sum or Sums of Money which they shall think proper, not exceeding in the whole the Sum of One thousand nine hundred and eighty Pounds, and by Writing under their Hands and Seals to assign over the yearly Rates and Taxes charged or to be charged upon the Fen Lands and Low Grounds under their Jurisdiction by virtue of the said recited Acts of the Twenty-second Year of the Reign of King *George* the Second, and the Seventeenth and Forty-sixth Years of the Reign of King *George* the Third, and every or any Part thereof, as a Security for the Repayment of such Sum or Sums, with Interest not exceeding Five Pounds *per Centum per Annum* for the same, to the Person or Persons who shall advance or lend such Sum or Sums of Money, his, her, or their Executors, Administrators, or Assigns; and all and every such Person or Persons to whom such Mortgage, Assignment, or Transfer shall be made shall be, in proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Rates and Taxes, in equal Degrees one with another, and shall have no Preference in respect of the Priority of advancing any Sums of Money; and it is hereby declared, that the Receipt of the said *Sutton and Mepal* Commissioners, or of any Five or more of them, or of their Treasurer for the Time being, shall be a sufficient Discharge for any Money borrowed under this Provision, and shall exonerate the Person or Persons advancing the same from all Liability whatsoever in respect of the Application thereof.

Application of the Funds of the Sutton and Mepal

XXI. And be it enacted, That all Sums of Money which may be received by the said *Sutton and Mepal* Commissioners in pursuance of this Act, and not herein otherwise directed, shall be applied by them,

them, subject and without Prejudice to the Claims of the Persons lending the Money authorized to be borrowed by the said *Sutton and Mepal* Commissioners, and to the Powers and Remedies for securing the Repayment thereof, in executing and completing the said Works which they are by this Act required to do and perform, and, subject thereto, in aid of their general Funds. Commissioners.

XXII. And whereas Plans and Sections describing the Line of a certain Dam across the said *Forty Feet River* which it was originally proposed to construct, and the Course of the said *Counter Wash Drain* so intended to be deepened and widened as aforesaid, and the Lands through or over which the said Dam was proposed to be made, and the said other Works are proposed to be made, with Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the Counties of *Huntingdon* and *Cambridge* and the *Isle of Ely* respectively: And whereas since the depositing of such Plans and Sections it has been determined to substitute the Sluice hereby authorized to be constructed for the said Dam which it was originally proposed to construct as aforesaid: Be it enacted, That a Plan and Section showing the Position of such Sluice, and the Lands through or upon which the same is to be made, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of such Lands, authenticated by the Signature of the Right Honourable the Speaker of the House of Commons, shall, within Three Months from the passing of this Act, be deposited with the Clerks of the Peace for the Counties of *Cambridge* and *Huntingdon* and the *Isle of Ely*. Deposit of Plans, &c.

XXIII. And be it enacted, That all Persons interested may at all seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by the said respective Clerks of the Peace with Extracts therefrom or Copies thereof, and every such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof he shall be entitled to Two Shillings and Sixpence for every Inspection of such Document, and Five Shillings for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds. Deposited Plans and Books of Reference to be open for Inspection.

XXIV. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described in the said Plans or in the said Books of Reference, be it enacted, That the Correction of any such Matters may be referred to the Determination of Two Justices, and if it shall appear to such Justices that such Omissions, Mis-statements, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Errors and Omissions may be corrected by Justices, who shall certify the same.

Certificate to
be deposited.

such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the said several Clerks of the Peace, and Copies or Extracts thereof with the Clerks of the several Parishes in which Lands affected thereby shall be situate; and such Certificate and such Extracts or Copies respectively shall be kept by such Clerks of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Documents shall be deemed to be corrected according to such Certificate, and it shall be lawful to execute the said Works in accordance with such Certificate.

Copies of
Plans, &c. to
be Evidence.

XXV. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof, or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Power to
deviate from
the Line laid
down.

XXVI. And be it enacted, That in making the said Sluice or other Works, and in deepening the said *Counter Wash Drain*, it shall be lawful to deviate from the Course or Direction thereof delineated in the Maps or Plans so deposited or to be deposited with the Clerks of the Peace as herein-before mentioned, provided that in deepening the said *Counter Wash Drain* no such Deviation shall extend to a greater Distance than One hundred Yards, nor beyond the Line of Deviation marked upon such Plans, nor shall extend into the Lands or Property of any Person whose Name is not mentioned in the Book of Reference relating thereto without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted from Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in case of unintentional Errors in the said Books of Reference: Provided also, that in making the said Sluice and other Works connected therewith no such Deviation shall extend to a greater Distance than One Mile in Length, nor shall extend into the Lands or Property of any Person who is not mentioned in the Book of Reference relating thereto without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted from Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in case of unintentional Errors in the said Book of Reference.

Drainage
Commissioners
to tax
Residue of
Level.

XXVII. And be it enacted, That the said *Middle Level* Drainage Commissioners shall annually tax, charge, and assess all the Fen Lands within or near the said *Middle Level* (except *Whittlesea Mere* and the *Reed Shoals*), and taxable under the Powers and Provisions of the said secondly-recited Act, (except the said Lands situate in the said *Sutton and Mepal Level* and *Manea and Welney District*, and the said Lands of Mr. *John Owen* near *Purles Bridge*, and also except the other Land mentioned in the said Schedules annexed to this Act marked (A.) and (B.), and the respective Occupiers of such Lands,) with an Acre Tax in addition to the Acre Tax imposed upon the
said

said Fen Lands under the Authority of the said secondly-recited Act; and the said Tax to be imposed under the Authority of this Act shall be called "The Further Tax," and the said Further Tax shall be taxed and assessed upon all the said Fen Lands respectively to the same Amount, and shall be payable at the same Times and Places respectively, and to the same Persons respectively, and in the same Manner in all respects, as the several Taxes authorized to be imposed, charged, and assessed upon the same respective Fen Lands (except *Whittlesea Mere* and the *Reed Shoals*) by the said secondly-recited Act are thereby taxed, charged, and assessed.

XXVIII. And be it enacted, That, subject as herein-after provided, it shall be lawful for the said *Middle Level* Drainage Commissioners, and they are hereby required, annually to tax, charge, and assess upon all the Lands to be assessed to the said further Tax (including *Whittlesea Mere* and the *Reed Shoals*), another Tax (over and above the said Further Tax) not exceeding in Amount Two Thirds of the said Further Tax, to be called "The Additional Tax," and to be taxed, charged, and assessed upon the Lands hereby charged therewith, in like Manner, and to be paid at the same Times and Places and to the same Persons respectively, as the said Further Tax is hereby directed to be taxed, charged, assessed, and paid: Provided always, that no such Additional Tax shall in the first instance be imposed, unless at a Special Meeting of the said Commissioners, to be called for that Purpose, Two Thirds in Value of the Commissioners present at such Meeting shall consent or vote for the same, such Value to be ascertained according to the Assessments or Taxation made by the *Middle Level* Drainage Commissioners of the Lands within the said Level under this and the said secondly-recited Act.

Power to Commissioners to impose an additional Tax, provided that Two Thirds in Value at a special Meeting agree.

XXIX. And be it enacted, That the said *Middle Level* Drainage Commissioners shall and they are hereby required (over and above the other Taxes which they are hereby and by the said secondly-recited Act or either of them authorized to impose thereon) annually to tax, charge, and assess all the Lands in *Whittlesea Mere* and all the *Reed Shoals* or Lands adjacent thereto or intermixed therewith, and containing altogether One thousand five hundred Acres or thereabouts, and the respective Occupiers of such Lands, with a further Tax of Two Shillings and Three-pence *per* Acre, to be assessed upon the Lands hereby charged therewith, in like Manner, and to be paid at the same Time and Places and to the same Persons respectively, as the Tax imposed upon the said *Whittlesea Mere* and *Reed Shoals* is by the said secondly-recited Act directed to be assessed and paid.

Commissioners to impose another Tax of 2s. 3d. per Acre on *Whittlesea, Mere* and the *Reed Shoals*.

XXX. And be it enacted, That when and so soon as the Debts incurred by the said *Middle Level* Drainage Commissioners, under the Powers for that Purpose contained in the said secondly-recited Act and in this Act, and all Interest thereon, shall be fully paid and satisfied, it shall be lawful for the said *Middle Level* Drainage Commissioners, if they shall think fit, and notwithstanding any thing in the said secondly-recited Act or in this Act contained, to reduce all

Taxes may be reduced when Debts are paid.

or any of the Taxes which they are by this Act or the said secondly-recited Act or either of them authorized to levy.

Form of
Assessment.

XXXI. And be it enacted, That the said Taxation or Assessments respectively under this and the said secondly-recited Act may be in the Form given in the Schedules annexed to this Act, or as near thereto as the Circumstances of the Case will admit of.

Warrants
may be issued
for Recovery
of Taxes
without pre-
vious Sum-
mons, on
giving Notice.

XXXII. And be it enacted, That the Warrant of Distress for the Recovery of any Rate, Tax, or Sum of Money made payable by this or the said secondly-recited Act may be in the Form or to the Effect mentioned in the Schedules to this Act annexed, and no Demand or Summons shall be necessary previously to executing such Warrant, but that Ten Days at least before executing the same the said *Middle Level* Drainage Commissioners shall, under the Hand of their Clerk, cause Notice of the Intention to make such Distress to be left at or transmitted by the Post to the usual or last Place of Abode of such Occupier at his Cost.

Powers for
Recovery of
Taxes, and
present Ap-
portionment
final.

XXXIII. And be it enacted, That the said *Middle Level* Drainage Commissioners shall have all such and the same Rights, Powers, and Authorities for levying, recovering, and enforcing Payment of the said Taxes hereby authorized to be raised by them from the several Owners and Occupiers of Lands subject to such Taxes respectively, and the several Commissioners of any District within which any such Lands are respectively situate shall respectively have the same Rights and Privileges with respect to the Payment, and be subject to the same Penalties for the Nonpayment, of the said Taxes, as they or any of them respectively are or may be entitled or subject to in relation to the said several Taxes authorized to be charged, assessed, levied, and received under or by virtue of the said secondly-recited Act; and the Valuation and Apportionment already made of the said several Lands subject to such Apportionment, and the several Taxes that have been fixed by the Valuers and Umpire, under the Powers and Authorities of the said secondly-recited Act, shall be final and conclusive with regard to the Taxes to be imposed by virtue of this Act, as well as with regard to the Taxes to be imposed under the said secondly-recited Act.

Power to
borrow
Money on the
Credit of the
Taxes.

XXXIV. And for the Purpose of enabling the said *Middle Level* Drainage Commissioners to complete the said Undertaking authorized by the said secondly-recited Act (except as far as the same is altered and varied by this Act), and to execute the Works by this Act authorized to be done by the said *Middle Level* Drainage Commissioners, be it enacted, That it shall be lawful for the said *Middle Level* Drainage Commissioners from Time to Time to borrow at Interest, on the Credit of the said Taxes by this Act directed or authorized to be imposed, any Sum or Sums of Money which they may think necessary for such Purpose, not exceeding in the whole the Sum of Two hundred and fifty thousand Pounds; and for securing the Repayment of the Sum or Sums so borrowed, with Interest, the said Commissioners or any Five of them, may assign the several Taxes hereby directed or authorized to be imposed by them, or any Part
or

or Parts thereof respectively, with all Powers or Remedies whatsoever for recovering and enforcing Payment thereof, to the Person who shall lend such Money or some Person appointed by him; and any such Mortgage may contain any Provisions for continuing the Loan, and for the Payment of the Sum thereby secured by Instalments, and for reducing the Rate of Interest reserved on Payment thereof, within such Period after the Time appointed for Payment thereof as shall be in that Behalf agreed upon, and may also contain any Power of Sale of the mortgaged Premises, and any Power and Provisions in connexion therewith, and any such special Provisions as shall be in that Behalf agreed upon; and upon any such Loan any Receivers and Collectors may be appointed, and Provision may be made for the future Appointment of such Receivers and Collectors, any such Receivers and Collectors shall act under such Circumstances and have such Powers and be remunerated in such Manner as shall be in that Behalf agreed upon; and it is hereby declared, that the Receipts of the *Middle Level* Drainage Commissioners, or any Five of them, shall be sufficient Discharges for the Money borrowed under this present Provision, and that the Person advancing any such Money shall not be bound or concerned to see to the Application of the Money advanced by him, or be liable for the Misapplication or Nonapplication thereof, or be concerned to inquire whether the Sum advanced by him ought to be raised; and it is hereby further declared, that any Purchaser under any such Power of Sale as aforesaid shall be seised of the Taxes purchased by him for an absolute Estate free from any Equity or Power of Redemption whatsoever, and he and his Heirs and Assigns may recover the same by Distress and Sale in like Manner as the said *Middle Level* Drainage Commissioners might have done: Provided always, that every Mortgage shall contain a Covenant on the Part of the Mortgagee not to exercise such Power of Sale as aforesaid, unless Default shall have been made in Payment of the Interest or some Part thereof for Six Calendar Months next after the Advertisements herein-after mentioned shall have been first inserted, and in Payment of the Principal Money for Twelve Calendar Months next after the Advertisements herein-after mentioned shall have been first inserted, nor until such Mortgagee shall by Advertisement in the *London Gazette*, and twice in the same Month in some Newspaper published and circulated in the County of *Cambridge*, have given Notice of his Intention to exercise such Power of Sale if such Interest shall not be paid within Six Calendar Months, and such Principal Monies shall not be paid within Twelve Calendar Months, as the Case may be, nor unless such Advertisement shall have been repeated Four Times during such Six Calendar Months or Twelve Calendar Months respectively.

XXXV. And for the Purpose of enabling the said *Middle Level* Drainage Commissioners to secure the Benefit of a moderate Rate of Interest, be it enacted, That if the said *Middle Level* Drainage Commissioners can borrow any Sum of Money at a lower Rate of Interest than any subsisting Securities given or made by them shall bear, it shall be lawful for them from Time to Time to borrow such Money as they shall think proper, on the Credit of all or any of the Taxes, at any lower Rate of Interest, but so that there shall not be

Power to borrow Money at a lower Rate of Interest to pay off Securities bearing a higher Rate.

more

more Money so borrowed than was at the Time owing on such Securities; and it is hereby declared, that the Money to be borrowed under the present Provision, and the Interest for the same, may be secured by an Assignment by the said *Middle Level* Drainage Commissioners, or any Five of them, of the said Taxes hereby directed or authorized to be levied by them, or either of such Taxes or any Part or Parts thereof respectively, with all Powers and Remedies whatsoever for recovering and enforcing Payment thereof, in like Manner and subject to the like Restrictions in all respects as is herein-before provided as to the said Sum of Two hundred and fifty thousand Pounds, and the Interest thereof, and any such Mortgage may contain any such Provisions or Powers as herein-before mentioned, or as shall be in that Behalf agreed upon; and any such Receivers or Collectors as aforesaid may be appointed or provided for; and it is hereby declared, that the Receipts of the said *Middle Level* Drainage Commissioners, or any Five of them, making such Assignment as aforesaid, shall be sufficient Discharges for the Money borrowed under the present Provision, and that the Person advancing any such Money shall not be bound or concerned to inquire whether there shall be any subsisting Securities bearing a higher Rate of Interest than the Sum advanced by him shall be made to bear, or whether the Sum advanced by him exceeds the Sum which ought to be raised or is a Sum properly raiseable, or to see to the Application of the Money advanced by him, or be liable for the Misapplication or Nonapplication thereof; and it is hereby declared, that any Purchaser under any such Power of Sale as aforesaid in any Mortgage under this present Provision shall be seised of the Taxes purchased by him for an absolute Estate of Inheritance in Fee Simple, free from any Equity or Power of Redemption whatsoever, and he, his Heirs and Assigns, may recover the same by Distress and Sale in like Manner as the said *Middle Level* Drainage Commissioners could have done.

Power to borrow Money to pay off Sums previously borrowed.

XXXVI. And be it enacted, That it shall be lawful for the *Middle Level* Drainage Commissioners from Time to Time to borrow at Interest, on the Credit of the Taxes hereby directed or authorized to be levied by them, or either of the said Taxes, or any Part or Parts thereof respectively, any Sum or Sums which they may think necessary to be raised for the Purpose of paying off any Sum or Sums which may have been previously borrowed under both or either of the Powers herein-before contained; and all the Powers and Provisions herein-before given and contained as or in reference to the Monies which are herein-before authorized to be borrowed shall apply to the Monies to be borrowed under this present Provision as if the same were here repeated and made applicable to this present Provision, and to the Monies hereby authorized to be borrowed.

Power to divert or stop up Water-courses during the Construction of Works.

XXXVII. And be it enacted, That in order to enable the said *Middle Level* Drainage Commissioners to construct the Works which they are hereby or by the said secondly-recited Act authorized to construct, or any Works connected therewith which they may deem necessary or proper, it shall be lawful for the said *Middle Level* Drainage Commissioners temporarily to divert and stop up the Course
of

of any Drains, Brooks, Streams, or Watercourses, and to make such temporary or other Drains for the Purpose of carrying off the Water from any Drains, Brooks, Streams, or Watercourses so diverted or stopped up, and for carrying off any Drainage Water which may flood, delay, or otherwise injure, or which may seem likely to flood, delay, or otherwise injure, any of the Works authorized to be made by the said *Middle Level* Drainage Commissioners during the Construction thereof: Provided always, that in the Exercise of the Powers by this Act granted the said Commissioners respectively shall do as little Damage as may be, and shall make full Compensation to all Parties interested for all Damage by them sustained by reason of the Exercise of such Powers, and the Amount and Application of such Compensation shall be determined in the Manner provided by the said secondly-recited Act for determining the Amount and Application of Compensation to be paid for Lands taken under the Provision thereof.

Proviso as to Damages.

XXXVIII. And be it enacted, That, subject to the Provisions herein contained, it shall be lawful for the said *Middle Level* Drainage Commissioners, at any Time during the Execution of the Works by this or the said secondly-recited Act authorized, to enter upon and use any existing private Road, being a Road gravelled or formed with Stones or other hard Materials, and not being an Avenue or a planted or ornamented Road or an Approach to any Mansion House; but before they shall enter upon or use any existing Road they shall give Two Weeks Notice of their Intention to the Owners and Occupiers of such Road, and of the Lands over which the same shall pass, and shall in such Notice state the Time during which, and the Purposes for which, they intend to occupy such Road, and shall pay to the Owners and Occupiers of such Road, and of the Lands through which the same shall pass, such Compensation for the Use and Occupation of such Road, either in a gross Sum of Money or by half-yearly Instalments, as shall be agreed upon between such Owners and Occupiers respectively and the said *Middle Level* Drainage Commissioners, or in case they differ about the Compensation the same shall be settled by Two Justices in the same Manner as any Compensation not exceeding Fifty Pounds is directed to be settled by the said secondly-recited Act.

Commissioners may occupy temporarily private Roads.

XXXIX. And be it enacted, That it shall be lawful for the Owners and Occupiers of any such Road, and of the Lands over which the same passes, within Ten Days after the Service of the aforesaid Notice, by Notice in Writing to the said *Middle Level* Drainage Commissioners to object to such Commissioners making use of such Road, on the ground that other Roads such as the same Commissioners are herein-before authorized to use for the Purposes aforesaid, or that some public Road, would be more fitting to be used for the same; and upon the Objection being so made such Proceedings may be had as are contained in "The Railways Clauses Consolidation Act, 1845," with respect to Lands temporarily occupied by the Company in respect of which Three Weeks Notice is therein required to be given, and in the same Manner as if in the Provisions relative to such Proceedings the Word "Road or

Power to Owners and Occupiers to object, and that other Roads should be taken.

[Local.]

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Roads,"

Roads," or the Words "Road or the Land over which the same passes," as the Case may require, had been substituted in such Provisions for the Word "Lands."

Repealing so much of 7 & 8 Vict. c.106. as gives Priority to Exchequer Loan Commissioners repealed, except as to Monies already advanced.

XL. And whereas by the secondly herein-before recited Act it was enacted, that it should be lawful for the said Drainage Commissioners, or any Five or more of them, present at any General or Special Meeting to be holden in pursuance of the said Act, from Time to Time to borrow and take up at Interest, in such Manner and upon such of the Terms and Conditions provided by the Acts therein recited as the said Commissioners for the Issue of Exchequer Bills should direct and appoint, such Sum and Sums of Money as they the said Drainage Commissioners were therein-before authorized and might deem it expedient to borrow for the Purposes of the said recited Act and the Act therein first recited, or either of them, and by any Writing or Instrument under the Hands and Seals of any Five or more of the said Drainage Commissioners present at any Meeting to be held as therein-before mentioned to mortgage, demise, grant, bargain, and sell the said Taxes, Tolls, and Funds respectively authorized to be raised by the said Act, as a Security for the Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills as therein-before mentioned by an annual Instalment of Five Pounds *per Centum per Annum* at the least in the Discharge of the Principal and Interest, not exceeding the Rate of Five Pounds *per Centum per Annum* on such Parts of the Principal as should from Time to Time remain due; and that every Security to be given to the said Exchequer Bill Loan Commissioners as therein mentioned should not be affected by any Informality in any Meeting or Proceeding of the said Drainage Commissioners, and should have Priority over all other Mortgages, Charges, or Securities whatsoever to be created by the said Drainage Commissioners under the Authority of the said Act: And whereas the said Drainage Commissioners have borrowed from the said Loan Commissioners the Five several Sums of Fifty thousand Pounds, Fifty thousand Pounds, Twenty-five thousand Pounds, Twenty-five thousand Pounds, and Ten thousand Pounds (making together the Sum of One hundred and Sixty thousand Pounds) on the Security of Five several Indentures of Mortgage, dated respectively the Sixth Day of *March* and the Sixth Day of *November* One thousand eight hundred and forty-five, the Twenty-first Day of *August* and the Sixth Day of *October* One thousand eight hundred and forty-six, and the Second Day of *May* One thousand eight hundred and forty-eight, by each of which Indentures all the Rates, Tolls, Taxes, or Sums of Money which the said Drainage Commissioners were under or by virtue of their said Acts therein recited or referred to, or any other Acts passed or to be passed in relation to the said Drainage, authorized to levy and raise for the Purposes of their said Acts (except a certain Tax of Three-pence *per Acre* mentioned or referred to in the said Act of the Seventh and Eighth Years of Her present Majesty), and all the Lands, Property, Estate, and Effects which then were or at any Time thereafter during the Continuance of the Security intended to be thereby made should be vested in them the said Drainage Commissioners under or for the Purposes of the said Acts relating to the said Drainage or any of

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them,

them, were assigned by the said Drainage Commissioners unto the Secretary of the said Loan Commissioners by way of Mortgage for securing Payment of the said Principal Sum thereby secured as aforesaid by Twenty annual Instalments of the respective Amounts in the said Securities respectively mentioned, being at the Rate of Five *per Centum per Annum* on the Amount of the Principal Sum thereby secured, together with Interest thereon, or on such Part thereof as should for the Time being remain unpaid, at the Rate of Five *per Centum per Annum*: And whereas, pursuant to Two Warrants under the Hands of Three of the Lords Commissioners of Her Majesty's Treasury, dated respectively the Thirtieth Day of *May* and the Thirtieth Day of *December* One thousand eight hundred and forty-six, a Reduction has been made in the Rate of Interest on the said Loans of Fifty thousand Pounds, Fifty thousand Pounds, Twenty-five thousand Pounds, and Twenty-five thousand Pounds, from Five Pounds to Four Pounds *per Centum*, subject to the Conditions in the said Warrants mentioned, and the Period for the Payment of the said Principal Sums has been extended, as to the first-mentioned Sum of Fifty thousand Pounds, for Ten Years from the Sixth Day of *March* One thousand eight hundred and sixty-five, as to the said secondly-mentioned Sum of Fifty thousand Pounds, for Ten Years from the Sixth Day of *November* One thousand eight hundred and sixty-five, as to the said first-mentioned Sum of Twenty-five thousand Pounds, for Ten Years from the Twenty-first Day of *August* One thousand eight hundred and sixty-six, and as to the said secondly-mentioned Sum of Twenty-five thousand Pounds, for Ten Years from the Sixth Day of *October* One thousand eight hundred and sixty-six, on condition that the same Sums of Fifty thousand Pounds, with the Interest due and to accrue due thereon after such reduced Rate as aforesaid, should be each paid by annual Instalments of not less than Two thousand eight hundred and ninety-three Pounds, or such less Sum as should from Time to Time remain on each of the said Securities, and that the said several Sums of Twenty-five thousand Pounds, with the Interest due and to accrue due thereon after such reduced Rate as aforesaid, should each be paid by annual Instalments of not less than One thousand four hundred and forty-six Pounds Ten Shillings, or such less Sum as should from Time to Time remain on each of the Securities for the said last-mentioned Principal Sums: And whereas the Priority given by the said Drainage Commissioners said recited Acts to every Security to be given to the said Exchequer Bill Loan Commissioners over all other Mortgages, Charges, or Securities whatsoever to be created by the said Drainage Commissioners under the Authority of the said secondly herein-before recited Act has been found to prejudice the Power of the said *Middle Level* Drainage Commissioners to raise Loans from other Persons, and it is expedient that the same Provision should (except as herein-after excepted) be repealed: Be it therefore enacted, That the said Provision shall, so far as regards any future Securities to be executed by the said Drainage Commissioners, except in respect of the said Sum of Ten thousand Pounds already advanced, and for which such further Security is to be executed as herein-after mentioned, shall be and the same is hereby repealed: Provided nevertheless, that the said Five several Mortgage Securities, subject as to the first Four mentioned of the
same

same Securities to the Operation of the said recited Warrants of the said Lords Commissioners of Her Majesty's Treasury, (and which Warrants and the Authorities therein contained are hereby confirmed,) shall be and remain in full Force and Effect according to the Form and Effect and the true Intent and Meaning thereof, and have full and absolute Priority over all Mortgages, Charges, or other Securities created or to be created by the said Drainage Commissioners under the Authority of their said recited Acts or of this Act or of any of them, save and except that such of the said Rates, Taxes, and Tolls as are hereby made payable unto or leviable by the *Sutton and Mepal* Commissioners shall be considered as excepted out of the same Securities: Provided always, that the said further or additional Taxes, Tolls, and Funds by this Act authorized to be raised by the said *Middle Level* Drainage Commissioners shall not be considered as comprised in or as subject to the said first Four mentioned several Securities, but so nevertheless that such further or additional Taxes, Tolls, and Funds shall be charged by the said *Middle Level* Drainage Commissioners with the said Sum of Ten thousand Pounds and Interest, and which shall constitute the primary Charge thereon, and have Priority over all other Charges to be created under the said recited Acts or this Act.

So much of 7 & 8 Vict. c. 106. as relates to the Repayment of Monies advanced by Exchequer Loan Commissioners repealed.

XLI. And be it enacted, That so much of the said secondly hereinbefore recited Act as directs and appoints that any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills should be repaid by an annual Instalment of Five Pounds *per Centum per Annum* at the least in the Discharge of the Principal and Interest Monies, not exceeding at the Rate of Five Pounds *per Centum per Annum* on such Parts of the Principal as shall from Time to Time remain due, shall be and the same is hereby repealed.

Reserving Powers of Public Works Loan Commissioners under this Act.

XLII. Provided always, and be it enacted, That all and every the Clauses, Powers, Authorities, Privileges, Priorities, Rights, and Interest created by the Acts relating to Advances or Loans of Exchequer Bills, or Money for Public Works, shall be in full Force and Effect in regard to the same Five several Mortgage Securities, and all other Securities to be executed to the said Loan Commissioners or their Secretary, and to the Property which is or shall be therein respectively comprised, except as to the Rates, Taxes, and Tolls hereby made payable to the said *Sutton and Mepal* Commissioners, any thing herein or in the said recited Acts to the contrary notwithstanding,

Application of Rates.

XLIII. And be it enacted, That the several Taxes and other Monies authorized by this Act to be levied, raised, received, or taken by the said *Middle Level* Drainage Commissioners, or which may come to their Hands, other than the Taxes in respect of the Lands, Banks, and Forelands mentioned in Schedule (B.) annexed to this Act under the Authority and Powers of this Act, shall be applied by them in the first place in Payment of the Expenses of this Act and incidental thereto, and in Payment of the Interest of any Money which may be borrowed for that Purpose, and in the next place, subject

subject and without Prejudice to the Claims of the Loan Commissioners and other Persons lending the Money authorized to be borrowed by the said *Middle Level* Drainage Commissioners under the Authority of this Act, and to the Powers and Remedies herein provided for securing the Repayment thereof, in performing and completing the said Undertaking, and executing the other Matters and Things by this Act and the said secondly-recited Act required or authorized to be performed and executed by the said *Middle Level* Drainage Commissioners, except so far as the same are altered and varied by this Act, and for the general Purposes of carrying this Act and the said secondly-recited Act into execution.

XLIV. And be it enacted, That every Tenant and Lessee of Land taxable under the said secondly-recited Act and this Act, or either of them, shall have the same Powers and Remedies for the Deduction of the Taxes imposed by the said Acts from the Rents payable by them as are given by the said first-recited Act with respect to the Taxes imposed by that Act.

Tenants and Lessees to deduct Taxes.

XLV. And whereas it is expedient, with a view of accelerating the Discharge of Debt, to enable Proprietors to purchase off the Drainage Taxes charged by virtue of the said secondly-recited Act and this Act, or either of them: Be it therefore enacted, That it shall and may be lawful for the Commissioners, with the Consent of the Mortgagees for the Time being entitled to receive the Consideration Money, to contract with any Proprietor for the Exoneration of his Land from Taxes charged thereon, in consideration of such Price as it shall appear to the Commissioners just and expedient to accept; and upon Receipt of the Consideration Money the Commissioners and the Mortgagees of the Taxes for the Time being entitled to receive the same shall give a valid Discharge for the same, and shall execute and deliver to such Proprietor a Certificate under the Hands and Seals of any Five or more of the Commissioners and the Mortgagees for the Time being, describing the Land so exonerated and the Portion of Taxes from which such Land shall be exonerated as aforesaid.

Power to redeem Taxes.

XLVI. And whereas by the said secondly-recited Act it was provided that the said Commissioners should, immediately after the Waters of the *Middle Level* should have been admitted to pass and flow through a certain Staunch or Sluice at the Junction of the said Cut with *Well Creek*, erect, and at all Times thereafter at their own Costs and Charges maintain, at some convenient Places adjoining to the said Sluice and to the *Salters Lode* and *Wisbech Canal* Sluices respectively, good and sufficient Gauge Posts indicating the Height of the Waters on the upper Side of the said first-mentioned Sluice and on the lower Side of the said *Wisbech Canal* Sluice, and that if the said Waters should at any Time sink below the Height of Six Feet Four Inches above the Datum Line upon the Sections deposited under that Act, it should be lawful for any Two of the Trustees appointed under the *Wisbech Canal* Act, by Order under their Hands respectively, to require and direct the Keeper of the said Sluice first therein-before mentioned to close the same so as to prevent the Transit of Water through the same, and to keep the same closed as

So much of 7 & 8 Vict. c. 106. as relates to maintaining the Water at a certain Level repealed.

[*Local.*]

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aforesaid

aforesaid until the said Water on the upper Side of the said Sluice should attain the said Height of Six Feet Four Inches above the said Datum Line, and that if the said Sluice-keeper should at any Time neglect or refuse to obey such Order he should for every such Offence forfeit and pay a Sum not exceeding the Sum of Twenty Pounds: Be it enacted, That the same Provision shall be and the same is hereby repealed from and after the Works provided for by the said secondly-recited Act shall have been executed.

Pen Sluice to be erected near the South End of Upwell.

XLVII. And be it enacted, That for the Purpose of maintaining the Navigation of the River *Nene* and *Well Creek* through the Towns of *Upwell* and *Outwell* to *Salter's Lode Sluice*, the said *Middle Level* Drainage Commissioners shall make, erect, and maintain a Pen Sluice in the said River *Nene* at such Place between the Junction of *Popham's Eau* with the said River and the South End of the Town of *Upwell* as the said Drainage Commissioners may think fit; and the said *Pen Sluice* shall be so constructed as to pen at least One Lighter or Boat, and so as to allow the Water of the said *Well Creek*, after it attains the Height of Eleven Feet above Datum, to drain into the Low Level without Injury to Navigation; and when the said Sluice shall be completed the same shall, subject to the Rights of Navigation, be under the exclusive Control and Management of the said Drainage Commissioners, who shall always so use the same as to maintain the Water in the River *Nene* and *Well Creek* between the said Sluice and the said *Salter's Lode Sluice* at a sufficient Height to give a navigable Depth of Four Feet of Water at least; and that, notwithstanding anything in the said secondly-recited Act mentioned, the said Drainage Commissioners shall not be required, unless they think fit, to deepen any Part of the said River *Nene* and *Well Creek* between the said *Pen Sluice*, through the Towns of *Upwell* and *Outwell* and the said *Salter's Lode Sluice*, to the Level of the Sill of that Sluice.

Commissioners not to deepen the River, &c. unless they think fit.

Provision for draining Plawfield and Churchfield.

XLVIII. And be it enacted, That for the Purpose of enabling the Proprietors of Lands in *Plawfield* and *Churchfield*, and in other Districts and Places lying on the South-east Side of the River *Nene*, and which now drain into *Well Creek*, to drain the said Lands, the said *Middle Level* Drainage Commissioners shall, at their own Costs and Charges, and they are hereby required to make (but when made they shall not thereafter be required or be liable to maintain or repair) a Drain and Tunnel through the Bank on the North-west Side of the new Cut into that Part of the new Cut which is above *Well Creek Sluice*, such Drain and Tunnel to commence and terminate at such Points and to be of such Size and Dimensions and in such Place as the Engineer of the said *Middle Level* Drainage Commissioners shall in his Discretion direct.

Provision for Needham, Birdbeck, and Burial Fields.

XLIX. And be it 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

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.

L. And be it enacted, That the said *Pen Sluice* at *Upwell* shall be so placed as not to interfere with the Supply of Water into the *Old Croft River* from the *River Nene*; and for better securing such Supply the said *Middle Level* Drainage Commissioners shall erect and maintain a Staunch or Sluice in the said *Old Croft River* at its Junction with *Popham's Eau*, and which shall be under the Control of the said *Middle Level* Drainage Commissioners, and shall be of such Size and Dimensions as their Engineer shall direct.

Not to interfere with the Supply of Water in the *Old Croft River*.

LI. And be it enacted, That in order to enable the Proprietors of the Lands in *Chatteris*, *Byall Fen*, and certain Lands adjoining called *Witchford Parts* and *Wentworth Parts*, containing altogether about Five hundred and fifty Acres, to convey the Waters from the said Fen and Lands into the said *Forty Feet River* North-west of the said intended *Pen Sluice* or into the said *Sixteen Feet River*, the said *Middle Level* Drainage Commissioners shall, at their own Costs and Charges, 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 said *Middle Level* Drainage Commissioners in his Discretion shall think proper.

Commissioners to make a Drain to enable the Proprietors to drain *Byall Fen*.

LII. And be it enacted, That, notwithstanding anything contained in the secondly-recited Act, it shall not be incumbent on the said *Middle Level* Drainage Commissioners to maintain the Water in the *River Nene* and *Whittlesea Dyke* above the said *Pen Sluice* at the South End of *Upwell* at a Level of Six Feet Four Inches above the Datum Line on the Sections deposited under the same Act, but that the said Drainage Commissioners shall, after the Works provided for by the said secondly-recited Act and this Act shall have been executed, except during any temporary Suspension of the Navigation of the said River and Dyke under the Authority of the said Act, and except during the Time of Flood or the reasonable Apprehension of a Flood within the said *Middle Level*, and except where the Failure of Water shall arise from Drought or other inevitable Cause, maintain and keep at all Times in and along the said *River Nene* and *Whittlesea Dyke*, from *Ashline Sluice* to the said *Pen Sluice*, a clear navigable Depth of Four Feet of Water at least, and from the said *Ashline Sluice* to *Standground Sluice* a clear navigable Depth of Three Feet Ten Inches at least, and for that Purpose, as well as for improving the Drainage of the said Level, shall scour, cleanse, and deepen the said River and Dyke in manner provided by the said secondly-recited Act, and of such Width, Capacity, and Dimensions at the least as may be necessary for continuing and preserving the Navigation along the same without any Impediment or Obstruction.

Commissioners to maintain a navigable Depth of Four Feet from *Ashline Sluice* to *Upwell Sluice*.

LIII. And be it enacted, That the said Drainage Commissioners shall, at all Times after the Works for the Improvement of the *River Nene* provided for by the secondly-recited Act and this Act shall have

Regulating the navigable Depth of the Water in the

Forty Feet
River.

have been executed, maintain the Water in the said River *Nene* from *Ramsey High Lode* to *Flood's Ferry*, and in the *Forty Feet River* from *Wells Bridge* to the Sluice herein directed to be erected near *Horseway Bridge*, at a navigable Depth of Four Feet at least, except as last excepted.

Penalty on
Commission-
ers for De-
fault.

LIV. And be it enacted, That if the said *Middle Level* Drainage Commissioners shall at any Time or Times not maintain and keep in and along the said *Well Creek*, and *River Nene*, and *Whittlesea Dyke*, and the said *Forty Feet River* North-westward of the intended *Horseway Sluice*, after the Works provided for by the said secondly-recited Act and this Act shall have been executed, such a clear navigable Depth of Water, and of such Width and Capacity respectively as aforesaid, according to the Intent of the said recited Act and this Act taken together, the said *Middle Level* Drainage Commissioners shall forfeit and pay the Sum of Ten Pounds to the *Nene* Navigation Commissioners, the like Sum of Ten Pounds to the Canal and *Nene* Trustees, and the like Sum of Ten Pounds to the *Wisbech* Canal Company, for every Day during which, or any Part of which, such a navigable Depth, Width, and Capacity shall not be maintained; and every such Penalty shall on the Complaint of the said Bodies respectively be recoverable in the Manner provided by the Lands Clauses Consolidation Act, 1845, for the Recovery of Forfeitures, Penalties, and Costs imposed by the said Act: Provided always, that the said Drainage Commissioners shall not be liable to any such Penalty where the Failure of Water shall arise from Drought or other inevitable Cause, nor by reason or on account of any temporary Suspension of the said Navigations or any of them during the Construction or Repair of the Works under the Powers of this or the said secondly-recited Act, or either of them, nor during Times of Flood or reasonable Apprehension of a Flood within the said *Middle Level*.

Navigation
Powers for
compelling
and securing
Four Feet of
Water.

LV. And be it enacted, That the said *Nene* Navigation Commissioners and the Canal and *Nene* Trustees shall have and may exercise all the same or the like Powers for the compelling and securing the Maintenance in and along the said navigable River and Water-course from *Standground Sluice* to *Salters Lode Sluice* herein-before described of such clear navigable Depth of Water, and of such Width and Capacity by this Act required to be maintained, and receive and recover such Forfeits and Penalties in respect thereof as by the said secondly herein-before recited Act are provided for compelling and securing the Maintenance of the navigable Depth of Water, Width, and Capacity by that Act required to be maintained to all Intents and Purposes.

Culvert to be
placed under
Well Creek.

LVI. And be it enacted, That the said *Middle Level* Drainage Commissioners shall make and maintain a Culvert of proper Dimensions for conveying the Waters of the said *Middle Level* from the said Cut from the said *Sixteen Feet River* under *Well Creek*, and the said Waters shall, at all Times between the First Day of *October* in every Year and the First Day of *May* next following, have a free Passage to and through the said Culvert into such Point of the said Cut as is
situate

situate below the said Creek, without any Let, Suit, Trouble, Interruption, or Interference from or by the *Nene* Navigation Commissioners, the *Wisbech* Canal Company, the *Wisbech* Canal and *Nene* Trustees, or by any Body Corporate, Body, or other Person or Persons whatsoever, but it shall be lawful for the said *Middle Level* Drainage Commissioners to erect, place, and maintain a Staunch or Stop-gates on either Side of the said Culvert, for the Purpose of holding up the Water to such a Level as they may think fit, between the First Day of *May* and the First Day of *October* in every Year, so as nevertheless, in any Case, not to reduce the navigable Depth herein provided for, except at the Times herein-before excepted.

LVII. And be it enacted, That the said *Middle Level* Drainage Commissioners shall not, unless they think fit to do so, continue the Staunch or Sluice erected and placed by them at the Junction of the said Cut with *Well Creek*.

Commissioners not to continue *Well Creek* Sluice, &c.

LVIII. And be it enacted, That it shall be lawful for the said *Middle Level* Drainage Commissioners at all Times to take Water from the River *Ouse* into *Well Creek*, through *Salter's Lode Sluice*, for the Purpose of maintaining a navigable Depth of Water in the said Creek, and the River *Nene*, through the Towns of *Outwell* and *Upwell*, to the Extent of Four Feet at the least; and that the said Commissioners shall be liable from Time to Time to excavate and remove any Sediment or Soil that may be deposited in the said Creek and *Nene*, and to maintain the Bed thereof at its present Level, which Level shall be ascertained by a Survey to be made at the Expense of the said Drainage Commissioners; and a Section of the said Creek and *Nene* shall be prepared according to the said Survey, and signed by the Clerk to the said Drainage Commissioners, and deposited with the Registrar for the Time being to the *Bedford Level* Corporation; and that in all other respects the said Corporation shall be entitled to the same Rights in respect of the said Sluice as now exist.

Regulating the Admission of Water through *Salter's Lode Sluice* for Navigation.

LIX. And be it enacted, That it shall be lawful for the said *Middle Level* Drainage Commissioners and their Officers at all Times to run Water from a Water called *Brooad Water* and the River *Nene* above *Standground Sluice* through the said Sluice, for the Purpose of maintaining a navigable Depth of Water in the said *Whittlesea Dyke* and the River *Nene* below the said Sluice to the Extent of Three Feet Ten Inches between the said Sluice and *Ashline Sluice*, and of Four Feet below the said *Ashline Sluice* to the intended *Pen Sluice* between *Popham's Eau* and *Upwell*; and that in all other respects the Governor, Bailiffs, and Commonalty of the *Bedford Level* Corporation shall retain the sole Control and Management of the said Sluice as now enjoyed by them, any thing herein contained to the contrary thereof notwithstanding.

Regulating the Admission of Water through *Standground Sluice* for Navigation.

LX. And be it enacted, That the Words "Commissioners of the *Upwell* South District" and "Commissioners of *Upwell* North District," shall, for the Purposes of this Act, be taken to mean the Commissioners acting in the Execution of and under the Powers and Provisions contained in an Act passed in the Forty-first Year of the

Short Title of *Upwell* South Level Commissioners.

Reign of King George the Third, intituled *An Act for more effectually draining and improving certain Fen Lands within the Manors and Parishes of Upwell and Outwell in the Parishes of Denver and Welney in the Isle of Ely and Counties of Cambridge and Norfolk.*

Middle Level
Drainage
Commission-
ers to widen,
&c. Popham's
Eau.

LXI. And whereas the Lands situate in the *Upwell* South District discharge their Drainage Waters in part by the said *Old Bedford River*, in part by *Well Creek*, and in part by means of the said *Sixteen Feet River*, and a certain Drain or River called *Pophams Eau*, communicating directly with the said new Cut from the said *Sixteen Feet River* to the *Ouse*: And whereas after the Completion of the Works by this Act and the said secondly-recited Act directed to be done and performed the said Drainage Waters will be principally discharged by means of the said Drain called *Pophams Eau*: Be it therefore enacted, That the said *Middle Level* Drainage Commissioners, at their own Costs and Charges, shall and they are hereby required to scour, widen, deepen, enlarge, and clear out all such Part of the said *Pophams Eau* as shall be situated to the Eastward of the Junction of the said *Pophams Eau* with the said new Cut from the said *Sixteen Feet River* to the *Ouse*, and to the Westward of any main Drain now or hereafter to be constructed for the Discharge of the Drainage Waters of the said District into the said Drain or River called *Popham's Eau*, and make and maintain the said Part of *Pophams Eau* so situate as aforesaid of a sufficient Depth, Width, and Capacity for the Discharge of all such Drainage Waters from the said District into the said new Cut from the said *Sixteen Feet River* to the *Ouse* at a Level not exceeding Five Feet above the Datum Line on the Sections deposited under the said secondly herein-before recited Act, and shall also make such Change in the Inclination of the Drains, Cuts, and Watercourses of such Part of the said *Upwell* South District as discharges its Drainage Waters by means of the said *Old Bedford River* as shall be necessary for causing the said last-mentioned Drainage Waters to flow towards the said *Popham's Eau* in lieu of towards the said *Old Bedford River*.

In case of
Difference
between
Commission-
ers the same
to be left to
Arbitration.

LXII. And be it enacted, That in case any Differences shall arise between the said *Middle Level* Drainage Commissioners and the Commissioners of *Upwell* South District with respect to the said scouring, widening, deepening, enlarging, and clearing out of the said Part of the said *Popham's Eau*, or with respect to the said Change in the said last-mentioned Drains, Cuts, and Watercourses, the Matters so in difference shall from Time to Time be referred to the Arbitration of an Engineer or Engineers, the Arbitrator or Arbitrators and Umpire to be appointed in the Manner, and to have all such and the like Powers and Authorities, as is provided by the Lands Clauses Consolidation Act, 1845, in respect of the Appointment, Powers, and Authorities of Arbitrators appointed under that Act, and the Award, Order, or Determination of such Arbitrator or Arbitrators and Umpire shall be final, conclusive, and binding upon all the said Parties with respect to such Matters in difference, and the Costs of such Inquiry and Arbitration shall be in the Discretion of such Arbitrator or Arbitrators or Umpire, and he or they shall settle the Amount thereof.

LXIII. And

LXIII. And be it enacted, That it shall be lawful for the said Commissioners of the *Upwell* North and South Districts, at their own Costs and Charges, from Time to Time and at all Times, between the First Day of *April* and the First Day of *October* in each and every Year, to erect, place, and maintain across the said Part of the said *Popham's Eau* One sufficient Staunch or Gate, for the Purpose of keeping up the Supply of fresh Water to the said *Upwell* North and South Districts: Provided always, that such Staunch or Gate shall be removed or opened and shall continue removed or open at all Times between the First Day of *October* in every Year and the First Day of *April* in each and every succeeding Year: Provided also, that nothing in this Act contained shall authorize or empower the said Commissioners of the *Upwell* North and South Districts, or any Person whosoever, to make, keep, or maintain any Obstruction whatsoever to the further Flow of the said Drainage Waters through the said *Popham's Eau* into the said new Cut from the said *Sixteen Feet River* to the *Ouse* at any Time between the said First Day of *October* and First Day of *April*.

Upwell South District Commissioners to erect Staunch across Popham's Eau for Supply of fresh Water, and to be open between October 1st and April 1st.

LXIV. And be it enacted, That the said *Middle Level* Drainage Commissioners shall and they are hereby required (at the Costs and Charges of the said *Upwell* South Commissioners) to erect, place, and maintain a Passage for Water in the Dam intended to be made by them at *Well Creek* near *North Delph*, such Passage to be of such Size as the Engineer of the said *Middle Level* Drainage Commissioners shall think right, for the Purpose of supplying fresh Water to the said *Upwell* North and South Districts between the said First Day of *April* and the First Day of *October* in each and every; and the said Passage shall be shut and shall continue to be shut and closed at all Times between the First Day of *October* in every Year and the First Day of *April* in each and every succeeding Year, but the Water shall not be permitted to pass through the said Dam to the Prejudice of the Navigation along *Well Creek*, when the Water shall be under Navigation Height.

Passage for Admission of fresh Water.

LXV. And be it enacted, That in case the Surface Level of the Water in the Part of the said New Cut from the said *Sixteen Feet River* to the *Ouse* which lies to the South of *Well Creek* shall not, on or before the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-one, be reduced to a Height not exceeding the said Height of Five Feet above the said Datum Line, and shall not during high Floods be kept and maintained at a uniform and correspondent Level with the Height of the Water in the Part of the said new Cut to the Northward of *Well Creek* aforesaid, then and in such Case it shall be lawful for the said Commissioners of *Upwell* South District at any Time after the said First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-one, to require the said *Middle Level* Drainage Commissioners to construct, and the said *Middle Level* Drainage Commissioners shall thereupon, at their own Costs and Charges, construct, a Culvert under the said Drain called *Pophams Eau*, and a Culvert under *Well Creek* aforesaid, which Culverts shall respectively be of not less than Five Feet Diameter in the Inside thereof, and shall be so constructed and placed as to give

In case of level Surface of Water not reduced before 1st Oct. 1851, a Culvert under *Well Creek* to be constructed.

a Com-

a Communication for the Passage of Drainage Waters from the said *Upwell* South District to such Part of the said new Cut from the said *Sixteen Feet River* to the *Ouse* as lies to the Northward of *Well Creek*, and the said Commissioners of *Upwell* South District shall thereupon, at their own Costs and Charges, make and maintain all such Drains, Cuts, and Watercourses as shall be necessary for connecting or communicating with such Culverts respectively.

As to Drainage of *Upwell* North District.

LXVI. And whereas Part of the Lands situate in the *Upwell* North District now also discharge their Drainage Waters into *Well Creek*, and after the Completion of the said Works it will be necessary that such of the Waters of the *Upwell* North District as now fall into *Well Creek* should fall into the said Part of the said *Pophams Eau*: Be it therefore enacted, That it shall be lawful for the said Commissioners of *Upwell* North District, at their own Costs and Charges, to make such Change in the Inclination of the Drains, Cuts, and Watercourses of such Part of the said *Upwell* North District as discharges its Drainage Waters by means of *Well Creek* as shall be necessary for causing the said last-mentioned Waters to flow towards the said *Pophams Eau*, in lieu of towards the said *Well Creek*.

Drainage Commissioners to enter on Lands for Purposes of this Act.

LXVII. And be it enacted, That the said *Middle Level* Drainage Commissioners shall, for the Purpose of Drainage, have full Power and Authority to enter into and upon and to take such Parts of the Fen Lands and Low Grounds liable to be taxed under the Provisions of this Act as they may consider necessary to take, for constructing or forming any Bank, Foreland, Bridge, Cut, Tunnel, Culvert, Road, Drain, Watercourse, or other Work which they may deem necessary to carry out any of the Objects or Purposes of this Act and the said secondly-recited Act, so far as the same is not hereby repealed, and for altering or diverting the Drainages of any District or private Drainage, and to take and dig Earth or Soil therefrom, and to cut through such Lands for executing such Works, or for altering, diverting, widening, deepening, or improving any existing Drain or Watercourse, or for supporting or repairing any of the aforesaid Works, and to do all such other Acts as may be necessary to carry into effect the Purposes of this and the said secondly-recited Act, so far as the same is not hereby repealed, doing as little Damage as may be, and making Satisfaction to the Parties injured thereby, according to the Provisions of the "Lands Clauses Consolidation Act, 1845."

Provision for Works for *Whittlesea Mere*.

LXVIII. And be it enacted, That unless within the Period of Two Years from the passing of this Act some one main Drain or Watercourse communicating with the said new Cut from the *Sixteen Feet River* to the *Ouse* shall be deepened, cleansed, and scoured out up to and adjoining to *Whittlesea Mere* or the *Reed Shoals* adjoining thereto, and the proposed Cuts on the Margin thereof shall be made so as to give a free Passage for the Waters of the said Mere and Shoals towards and into the said new Cut from the *Sixteen Feet River* to the *Ouse*, and to enable the Proprietors thereof to drain the said Lands, then and in such Case it shall be lawful for the several Owners of the said Mere and Shoals, under the Direction of the Engineer for the Time being of the said Drainage Commissioners, to proceed

proceed to deepen, cleanse, and scour out such Part or Parts of such main Drain or Watercourse as aforesaid, and to make such Cuts so far as the same may be necessary to enable the said Owners to drain the said Lands, and for that Purpose to pay and apply all such Sums of Money as from and after the said Period of Two Years from the passing of this Act, and until the Completion of such Work as last aforesaid, shall be taxed, charged, and assessed under this and the said secondly-recited Act or either of them, upon the Lands of the said several Owners respectively situate in the said Mere and Shoals respectively, towards the Costs of executing such Work as last aforesaid; and the Certificate under the Hand of the said Engineer for the Time being of the said Drainage Commissioners that the said Sums of Money have been so paid and applied, and that the said Works or any Part thereof respectively, in the Execution of which such Monies have been so paid and applied, have been executed to his Satisfaction, shall be a good Discharge to such Owner, and also to the respective Occupiers of such Part of the said Mere and Shoals to which such Certificate shall apply, for so much Money as shall be therein expressed to have been paid, laid, laid out, and expended; and the said Sums of Money shall and may thereupon be deducted or retained by such Owners or Occupiers respectively from and out of the Taxes and Assessments thereafter payable in respect of such Lands respectively under the Provisions of this or the said secondly-recited Act.

LXIX. And be it enacted, That if any Drains or Watercourses now passing through *Stilton Fen, Holme Fen, and Yaxley Fens*, or any of them, shall be so intercepted by any Works to be executed under the said secondly-recited Act or this Act as to prevent their Communication with any of the Rivers or main Drains in the said *Middle Level*, the said Drainage Commissioners shall, in such Manner as they may think fit, connect the said Drains or Watercourses with the said Rivers or main Drains so as to prevent any Impediment to the Flow of the Water into the said last-mentioned Rivers and Drains. For connecting certain Drains.

LXX. And whereas the Lands of a District called *Downham Fen District* comprised within an Act passed in the Forty-second Year of the Reign of King *George the Third*, intituled *An Act for draining and improving certain Fen Lands and Low Grounds within the several Parishes of Downham Market, Wimbotsham, Stow Bardolph, and Denver in the County of Norfolk*, will not receive such Benefit from the Works to be executed under this Act or the said recited Act of the Seventh and Eighth *Victoria* as was proposed by the said last-mentioned Act, unless *Well Creek* be deepened as required by the said last-mentioned Act, and it is not just that the Commissioners of the said *Downham Fen* should make any further Payment as required by the said last-mentioned Act to the said *Middle Level* Drainage Commissioners until the said *Well Crook* shall have been deepened and the Waters thereof lowered: Be it enacted, That the Commissioners of the said *Downham Fen* shall not from and out of their Funds or otherwise pay annually to the said *Middle Level* Drainage Commissioners the Sum of Forty Pounds, authorized and Provision for Downham Fen.
42 G. 3. c. 19.

[Local.]

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required

required to be paid by the said last-mentioned Act until the said *Well Creek* shall have been deepened as required by the said last-mentioned Act: Provided always, that as soon as the said *Well Creek* shall have been deepened as required by the last-mentioned Act the Commissioners of the said *Downham Fen* shall pay to the said *Middle Level* Drainage Commissioners any Arrears of the said annual Sum of Forty Pounds not exceeding Three Years Arrears.

Downham Fen Commissioners may enter into Contracts with Middle Level Drainage Commissioners.

LXXI. And be it enacted, That it shall be lawful for the Commissioners of the said *Downham Fen*, if they shall think fit so to do, with the Consent of the *Upwell* North and South Commissioners, to enter into any Contracts or Agreements with the said *Middle Level* Drainage Commissioners for conveying the Waters of the said *Downham Fen* District directly or otherwise into the said Cut from the said *Sixteen Feet River* to the *River Ouse* in such Manner, for such Times, upon such Terms, and for such yearly or other Sum of Money as the Commissioners of the said *Downham Fen* and the said *Middle Level* Drainage Commissioners may agree to, to be applied by the said Drainage Commissioners in aid of the Funds to be raised under this Act.

Drainage of taxable Lands in Denver not within *Upwell* District.

LXXII. And be it enacted, That, subject to the Provision hereinafter contained, the said *Middle Level* Drainage Commissioners shall make and maintain a Drain or Watercourse, the Bottom whereof shall not exceed Ten Feet in Width, to convey the Waters from such of the Lands taxable under this Act as are situate in the Parish of *Denver* and not within *Upwell* District into *Popham's Eau* at or near the East End thereof; and the said Drain or Watercourse shall commence at or near the North-west Corner of the Farm belonging to Miss *Margaret Fryer*, and shall proceed near the South Side of the South Bank of *Well Creek* to *Popham's Eau*: Provided always, that it shall be lawful for the said *Middle Level* Drainage Commissioners and the Commissioners of *Upwell* District to enter into such Contracts and Agreements at they may severally think fit for conveying the Waters of the said Lands in the Parish of *Denver* through the said District into *Popham's Eau*, and that if any such Contracts and Agreements shall be entered into, the said *Middle Level* Drainage Commissioners shall not be liable, during the Continuance thereof, to make the aforesaid Drain or Watercourse.

Commissioners to make a Drain into *Whittlesea Dyke*.

LXXIII. And whereas by the said secondly-recited Act it was provided that the said *Middle Level* Drainage Commissioners should make and maintain a Sluice across *Whittlesea Dyke*, above *Fields End Bridge* in *Whittlesea*, within the Distance of Two hundred Yards therefrom, and the Doors of the said *Fields End Sluice* and of *Horsey Sluice* should be so regulated as to hold up a sufficient Supply of Water in *Whittlesea Dyke* for the Purpose of Navigation at all Times: Be it enacted, That the same Provision shall be and the same is hereby repealed, and in lieu of the said Sluice the said *Middle Level* Drainage Commissioners shall make and maintain a Drain of proper Dimensions, not exceeding Ten Feet in Width at the Bottom, to convey the Waters from the taxable Lands above the Tow of *Whittle-*

sea (now draining into *Whittlesea Dyke*) into the said Dyke below *Ashline Sluice*, and which Drain shall commence at or near the said *Field's End Bridge*.

LXXIV. And be it enacted, That the said *Middle Level* Drainage Commissioners shall, as soon after the passing of this Act as conveniently may be, prepare Plans and Estimates of all the Works to be executed under the said secondly-recited Act and this Act, and shall thereupon proceed to the Execution of the said Works in such Order and Course and in such Manner as to afford, as far as practicable, to the Lands in the upper Parts of the said *Middle Level* the Benefits of the improved Drainage simultaneously with the Lands in the lower Parts of the said Level.

Estimate of Works to be made, and upper and lower Works to be executed simultaneously.

LXXV. And be it enacted, That if, during the Construction and Execution of the Works by this Act authorized, the said *Middle Level* Drainage Commissioners shall find it necessary to lower the Sills or to make Enlargements, Alterations, or Repairs in the several Sluices called *Salter's Lode Sluice* and *Welches Dam Sluice* or *Old Bedford Sluice*, and which Enlargements and Alterations the said *Middle Level* Drainage Commissioners are hereby fully authorized to make, such Enlargements, Alterations, and Repairs shall be made and done and for ever thereafter maintained by and at the Expense of the said *Middle Level* Drainage Commissioners, and to the Satisfaction of the Engineer or other Officer for the Time being of the said Governor, Bailiffs, and Commonalty.

Damages done to Sluices to be made good.

LXXVI. And be it enacted, That in case any Injury shall be occasioned to the said Sluice called *Welches Dam Sluice* or any other Sluice under the Direction or Control, or which shall be the Property, of the said Governor, Bailiffs, and Commonalty, during the Execution of the Works by the said *Middle Level* Drainage Commissioners, such Injury so occasioned by them shall be well and sufficiently repaired and made good by or at the Expense of the said Commissioners.

Injury to Welches Dam Sluice occasioned in execution of Works to be made good.

LXXVII. And be it enacted, That it shall be lawful for the Commissioners acting in and for any District within the said *Middle Level*, if they shall think fit, in order to enable the Lands situate within such District to derive the full Benefit from the Works to be constructed by the said *Middle Level* Drainage Commissioners under this and the said secondly recited Act, or either of them, to take down, alter, remove, rebuild, or substitute one for another any Wind or Steam Mill or Engine for draining any such District respectively, and under the Superintendence, Government, or Control of such District Commissioners respectively, and to widen, alter, and improve any Drain or Watercourse for the Passage of the Drainage Waters of such District to or from such Mill or Engine.

Districts authorized to make internal Works.

LXXVIII. Provided always, and be it enacted, That it shall be lawful for the said *Middle Level* Drainage Commissioners, and also for the said *Sutton and Mepal* Commissioners and *Manea and Welney* Commissioners, or either of such Body of Commissioners, or the Owners

Power to contract with Sutton and Mepal and Manea and Welney Dis-

tricts, &c. for
Drainage.

Owners of Land situate in *Bluntisham* and *Colne* aforesaid, to enter into any Contracts or Agreements for passing the Waters of the respective Districts or either of them, or the said Lands, into or through any of the Cuts, Rivers, Drains, and Watercourses under the Management and Control of the said *Middle Level* Drainage Commissioners for such Times respectively, and for such yearly or other Sums of Money, and under such Terms and Stipulations as the said *Middle Level* Drainage Commissioners under this Act and the said recited Acts, and the said several and respective other Commissioners of Drainage, or any of them, may mutually agree upon, and to make Drains, Sluices, Tunnels, and other Works that may be required for that Purpose; which said several Sums of Money so to be contracted and agreed for shall be from Time to Time applied and disposed of by the said *Middle Level* Drainage Commissioners for the Purposes of this and the said recited Acts; and that it shall also be lawful for the said *Middle Level* Drainage Commissioners to enter into any such Contract or Agreement as aforesaid with any Owners or Occupiers of Lands or Grounds not situate within any of the said Districts, nor liable to be taxed under this Act, for passing the Waters of such Lands or Grounds through the said Cuts, Rivers, Drains, or Watercourses, or any of them; and that the Sums of Money received under such last-mentioned Contract or Agreement shall, in like Manner be applied by the said *Middle Level* Drainage Commissioners for the Purposes of this Act and the said recited Acts.

Application
to be made
to Parliament
if additional
Powers
necessary.

LXXIX. And be it enacted, That if it shall appear that any Works which the *Middle Level* Drainage Commissioners may deem necessary for the Improvement of the Drainage of the said *Middle Level* cannot lawfully be carried into effect by the said *Middle Level* Drainage Commissioners under the Powers vested in them by this and the said recited Acts by reason either that the Monies authorized to be raised by them are insufficient for the Purpose, or that any Lands are required which the said *Middle Level* Drainage Commissioners are not authorized to take or use, or for any other Reason, the said *Middle Level* Drainage Commissioners may, by Order and Resolution to be made and agreed to by the said *Middle Level* Drainage Commissioners at a Special Meeting of the said *Middle Level* Drainage Commissioners to be duly called for that Purpose, cause Application to be made to Parliament for an Act to enable them to execute such further Works, to raise such further Monies, or to take and use such further Lands or otherwise, and to defray the Expenses of such Application out of the Rates, Taxes, and Monies authorized to be levied and raised by them under this and the said recited Acts.

Shortening
the Time of
Notice to
Tenants at
Will, &c.

LXXX. And whereas in and by the said secondly-recited Act it is enacted, with respect to any Lands which should be in the Possession of any Person having no greater Interest therein than as Tenant at Will or Lessee for a Year or from Year to Year, that at the Expiration of Six Months after receiving Notice to that Effect from the Drainage and Navigation Commissioners respectively, or at any other Time when required after the Expiration of such Period, all such Persons should respectively deliver up to the Commissioners respectively, or to the Person appointed by them to take possession thereof,

thereof, any such Lands in their Possession required for the Purposes of the said Act: Be it enacted, That the same Enactment shall be and the same is hereby repealed; and that with respect to any such Lands which shall be so in the Possession of any Person having no greater Interest therein than as Tenant at Will or Lessee for a Year or from Year to Year, that at the Expiration of Twenty-one Days after receiving Notice to that Effect from the Drainage and Navigation Commissioners respectively, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Commissioners respectively, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this or the said secondly-recited Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the respective Commissioners.

LXXXI. And be it enacted, That if the *Middle Level* Drainage Commissioners shall be desirous of entering upon and using any Lands which they are authorized to enter upon, take, or use before an Agreement shall have been come to, or an Award made or Verdict given, for the Purchase Money or Compensation to be paid by them in respect of such Lands, it shall be lawful for the said *Middle Level* Drainage Commissioners to deposit in the Bank, by way of Security, as herein-after mentioned, either the Amount of Purchase Money or Compensation claimed by any Party interested in or entitled to sell and convey such Lands and who shall not consent to such Entry, or such a Sum as shall by a Surveyor appointed by Two Justices by Writing under their Hands be determined to be the Value of such Lands, or of the Interest therein which such Party is entitled to or enabled to sell and convey, and also to give to such Party a Bond under the Hands and Seals of the said *Middle Level* Drainage Commissioners, or any Two of them, with Two sufficient Sureties to be approved of by Two Justices in case the Parties differ in a penal Sum equal to the Sum so to be deposited, conditioned for Payment to such Party, or for deposit in the Bank for the Benefit of the Parties interested in such Lands, as the Case may require, under the Provisions herein contained, of all such Purchase Money or Compensation as may in manner herein-before provided be determined to be payable by the said *Middle Level* Drainage Commissioners in respect of the Lands so entered upon, together with Interest thereon at the Rate of Five Pounds *per Cent. per Annum* from the Time of entering on such Lands until such Purchase Money or Compensation shall be paid to such Party, or deposited in the Bank for the Benefit of the Parties interested in such Lands under the Provisions herein contained; and upon such Deposit by way of Security being made as aforesaid, and such Bond being delivered or tendered to such nonconsenting Party as aforesaid, it shall be lawful for the said *Middle Level* Drainage Commissioners to enter upon and use such Lands without having first paid or deposited the Purchase Money or Compensation in other Cases required to be paid or deposited by them before entering upon any Lands to be taken by them under the Provisions of this or the said secondly-recited Act.

Middle Level Drainage Commissioners allowed to enter upon Lands before Purchase, on making Deposit by way of Security, and giving Bond.

Upon Deposit being made Cashier to give Receipt.

LXXXII. And be it enacted, That the Money so to be deposited as last aforesaid shall be paid into the Bank in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed to his Account there, to the Credit of the Parties interested in or entitled to sell and convey the Lands so to be entered upon and who shall not have consented to such Entry, subject to the Control and Disposition of the said Court; and upon such Deposit being made the Cashier of the Bank shall give to the said *Middle Level* Drainage Commissioners or to the Party paying in such Money by their Direction a Receipt for such Money, specifying therein for what Purpose and to whose Credit the same shall have been paid in.

Deposit to remain as a Security, and to be applied under the Direction of the Court.

LXXXIII. And be it enacted, That the Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties whose Lands shall so have been entered upon for the Performance of the Condition of the Bond to be given by the *Middle Level* Drainage Commissioners as herein-before mentioned, and the same may, on the Application by Petition of the said *Middle Level* Drainage Commissioners, be ordered to be invested in Bank Annuities or Government Securities and accumulated; and upon the Condition of such Bond being fully performed, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, upon a like Application, to order the Money so deposited or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the said *Middle Level* Drainage Commissioners, or if such Condition shall not be fully performed, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Middle Level Drainage Commissioners may pay the Deposit Money into the Bank by way of Security during the Time that the Office of the Accountant General is closed.

LXXXIV. And be it enacted, That if at any Time the *Middle Level* Drainage Commissioners be unable, by reason of the closing of the Office of the Accountant General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank by way of Security as aforesaid, it shall be lawful for the said *Middle Level* Drainage Commissioners to pay into the Bank, to the Credit of such Party or Matter as the Case may require, (subject nevertheless to being dealt with as herein-after provided, and not otherwise,) such Sum of Money as the said *Middle Level* Drainage Commissioners shall by some Writing signed by their Clerk for the Time being, addressed to the Governor and Company of the Bank, in that Behalf request, and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof, and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Clerk of the said *Middle Level* Drainage Commissioners shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General, and upon the Production of such Direction at the Bank of *England* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

LXXXV. And

LXXXV. And be it enacted, That no Person shall, after the First Day of *November* next, be capable of acting as a Commissioner in his own Right in the Execution of the said firstly and secondly recited Acts and of this Act, or either of them, except in taking the Declaration herein-after directed, until he shall have made a Declaration in the Words or to the Effect following; (that is to say,)

Commissioners before acting to make a Declaration.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, and to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of [*here set forth the Title of the several Acts under which the Commissioners or Deputy Commissioners are to act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever: And I do further solemnly and sincerely declare, that I am duly qualified to act as a Commissioner in the Execution of the said Acts, according to the Provisions of an Act passed in the Fiftieth Year of the Reign of King George the Third, intituled “An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called Bedford Level,” and of an Act passed in the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, intituled “An Act for improving the Drainage and Navigation of the Middle Level of the Fens,” and of an Act passed in the Eleventh and Twelfth Years of the Reign of Her said Majesty, intituled “An Act to amend the Acts for improving the Drainage and Navigation of the Middle Level of the Fens, and for other Purposes connected therewith:” And I make this solemn Declaration conscientiously believing the same to be true.’

LXXXVI. And be it enacted, That no Person shall, after the First Day of *November* next, be capable of acting as a Deputy Commissioner under the Provisions of the said firstly recited Act in the Execution of the said firstly and secondly recited Acts and of this Act, or of either of them, until he shall have made a Declaration in the Words or to the Effect following; (that is to say,)

Deputy Commissioners before acting to make a Declaration.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of [*here set forth the Title of the several Acts under which the Commissioners or their Deputy are to act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever: And I do further solemnly and sincerely declare, that I believe *C. D.* [*naming the Person appointing him*] is duly qualified to appoint me to act as a Commissioner according to the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled “An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called Bedford Level,” and

‘ of

‘ of an Act passed in the Seventh and Eighth Years of the Reign of
 ‘ Her Majesty Queen Victoria, intituled “ An Act for improving the
 ‘ “ Drainage and Navigation of the Middle Level of the Fens,” and
 ‘ of an Act passed in the Eleventh and Twelfth Years of the Reign of
 ‘ Her said Majesty, intituled “ An Act to amend the Acts for im-
 ‘ proving the Drainage and Navigation of the Middle Level of the
 ‘ “ Fens, and for other Purposes connected therewith :” And I make
 ‘ this solemn Declaration conscientiously believing the same to be
 ‘ true.’

No Oath,
 &c., required
 to be taken
 except re-
 quired by
 this Act.

LXXXVII. And be it enacted, That no Oath, Affirmation, or Declaration whatsoever shall be hereafter required to be taken or made by any Person acting as such Commissioner or Deputy Commissioner as aforesaid, other than the Declaration by this Act required to be made by him, anything in the said first and secondly recited Acts in that Behalf notwithstanding.

Commis-
 sioners may
 make Decla-
 ration, and a
 Note thereof
 to be entered
 on the
 Minutes.

LXXXVIII. And be it enacted, That it shall be lawful for any one of the Commissioners appointed or to be appointed by virtue of this Act, and of the firstly and secondly recited Acts, or either of them, to administer either of the Declarations hereby directed to be made, and that a Note or Minute of every such Declaration shall be entered by the Clerk to the said *Middle Level* Drainage Commissioners among the Proceedings of the Meeting at or next after which such Declaration shall be made.

Acts of
 Commis-
 sioners not
 qualified to
 be valid.

LXXXIX. And be it enacted, That all Acts of a Commissioner incapacitated or not duly qualified done previously to the Recovery of the Penalty imposed by the said firstly-recited Act for so acting shall be as valid as if such Person had been duly qualified.

Expenses of
 Committees.

XC. And be it enacted, That it shall be lawful for the said Commissioners to allow and pay out of the Funds of the said Commissioners all the reasonable Expenses of any Committee or Committees appointed or to be appointed under or by virtue of the said Two first-recited Acts or this Act, or either of them, or so much thereof as the said Commissioners respectively shall think proper.

First and
 second re-
 cited Acts to
 continue in
 force, except
 as repealed
 or altered by
 this Act.

XCI. And be it enacted, That the said first-recited Act of the Fiftieth Year of the Reign of King *George* the Third, and the said recited Act of the Seventh and Eighth Years of the Reign of Her Majesty Queen *Victoria*, and all and every the Enactments, Powers, Authorities, Provisions, Penalties, Matters, and Things therein contained, so far as they respectively stood in force at or immediately before the passing of this Act, shall henceforth remain and continue in force, and shall be as good, valid, and effectual for carrying this Act and the said recited Acts into execution as if the same had been repeated and re-enacted in this Act with reference to the Objects and Purposes by this Act authorized, except only such Provisions of the said recited Acts or either of them as are by this Act repealed, varied, or altered, or are inconsistent herewith.

XCII. And

XCII. And be it enacted, That all the Estates and Interests, Rights, Powers, Privileges, and Authorities whatsoever, which, by virtue of any Act of Parliament or otherwise, are now vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, shall be in the said Governor, Bailiffs, and Commonalty, and the said Governor, Bailiffs, and Conservators, as fully as if this Act had not been passed, so far as the same are not hereby altered or varied.

Saving
Rights of the
Corporation
of Bedford
Level.

XCIII. Provided always, and be it enacted, That 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, and Authorities vested in the *Nene* Navigation Commissioners or in the *Wisbeach* Canal Company, or their Committee, or in the Canal and *Nene* Trustees, save and except such Rights, Powers, Privileges, and Authorities as are by this Act varied or altered.

Saving
Rights of
Nene Navi-
gation Com-
missioners
and *Wis-
beach* Canal.

XCIV. And be it enacted, That the Short Title of this Act shall be "*The Middle Level Drainage Amendment Act, 1848*," and it shall be sufficient to recite this Act by such Title in all Acts of Parliament and all Proceedings, whether at Law or in Equity.

Short Title.

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

Public Act.

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

CONTAINING

A LIST of the several LANDS and HEREDITAMENTS that are in future to be wholly exempt and discharged from all TAXES under this and the secondly herein recited Act.

1. All Lands lying within the Sutton and Mepal Level, except the Banks and Forelands mentioned in Schedule B.
2. All Lands lying within the Manea and Welney District, except the Banks and Forelands in Schedule B.
3. The Land of Mr. John Owen, near Purl's Bridge within mentioned, and containing 153A. OR. 20P. (little more or less).
4. The Lands in or near Welmore Lake Washes, as follows; (that is to say,)

In the Parish of DENVER in the County of NORFOLK.

No. on Plan called Plan of Part of the Bedford Level and Lands adjacent, by J. G. Lenny, 1833.	Occupiers.	Owners.	Quantity.		
			A.	R.	P.
9	Gascoyne, John	Denver Charity Trustees	45	3	0
10	Gascoyne, John	Wool, Hugh	106	3	2
11	Rowell, Joseph	Reed, Mrs.	120	0	20

In the Parish of UPWELL.

5	James, John	Richard Greaves Townley	59	2	18
6	James, John	Richard Greaves Townley	9	1	39

All the Banks and Forelands, and Lands adjacent thereto, belonging to the Corporation of the Bedford Level, and situate on the West Side of the Old Bedford River, and between Welches Dam Sluice and the Old Bedford Sluice.

The Piece of Land belonging to the Bedford Level Corporation called the Long Wash, adjoining the River Ouse, containing Forty Acres (more or less) now in the Occupation of Mr. Bowker, Winter, and Wooll.

In the Parish of SOMERSHAM.

Peters, Francis	-	-	-	2	0	0
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SCHEDULE (B.)

CONTAINING

AN ACCOUNT of LANDS, with the NAMES of the OCCUPIERS and OWNERS thereof, and the AMOUNT of TAX now charged thereon by the MIDDLE LEVEL DRAINAGE COMMISSIONERS, and which present Tax is to continue.

I.—LANDS in the Parish of BLUNTISHAM-CUM-EARITH in the County of HUNTINGDON.

No. on Plan called Plan of Part of the Bedford Level and Lands adjacent, by J. G. Lenny, 1833.	Occupiers.	Owners.	Quantity.			Tax per Acre now assessed thereon.	
			A.	R.	P.	s.	d.
1	Epey, Oliver	Attwood, Mary	2	0	0	2	0
2	Purchas, George	Himself	2	2	0	2	0
3	Woods, William	Himself	4	0	0	2	0
4	Feary, Stephen	Himself	4	0	25	2	0
5	Reynolds, John	Himself	4	0	25	2	0
6	Cousins, Thomas	Himself	4	0	30	2	0
7	Epey, Robert	Asplan, William, sen.	9	0	0	2	0
8	Cousins, Thomas	Himself	7	2	0	2	0
9	Beldam, John	Willingham School	3	2	0	2	0
10	Headley, Robert	Himself	6	2	0	2	0
11	Purchas, George	Himself	5	0	0	2	0
12	Brown, John Aaron, junior	Brown, John Aaron	6	3	0	2	0
13	Smith, William	Lenton, Salmon	3	2	0	2	0
14	Ekins, John Longland	Maltman, Ann	18	2	0	2	0
15	Johuson, William	Himself	2	2	0	2	0
16	Johnson, William	Newton, Edward	5	0	0	2	0
17	Brown, John	Himself	2	2	0	2	0
18	Brown, John	Brown, John	2	3	0	2	0
19	Brown, John	Brown, John	6	0	0	2	0
20	Johnson, William	Himself	2	2	0	2	0
21	Feary, Stephen	Himself	2	2	0	2	0
22	Charter, John	Banks, James	2	2	0	2	0
23	Reynolds, John	Himself	2	1	0	2	0
24	Earl, Thomas	Brown, Thomas	2	3	0	2	0
25	Townsend, John	Himself	2	3	0	2	0
26	Butcher, Coxe	Leeds, Mrs.	3	1	0	2	0
27	Ditto	Smith, William	3	2	0	2	0
28	Cousins, Thomas	Goodliffe, John	9	0	0	2	0
29	Jackson, John	Ilett, Sarah	6	0	0	2	0
30	Brown, John Aaron, jun.	Brown, John Aaron	2	1	0	2	0
31	Biddle, Thomas	Adams, Joseph	6	2	0	2	0
32	Wheaton, Daniel	Squire, Sarah	6	0	0	2	0
33	Brown, Richard	Himself	3	2	0	2	0
34	Biddle, Thomas	Squire, Thomas	12	2	0	2	0

II.—LANDS

II.—LANDS in the Parish of COLNE in the County of HUNTINGDON, but by Mistake described in the TAX BOOK of the MIDDLE LEVEL DRAINAGE COMMISSIONERS as being in SOMERSHAM in the said County.

No. on the said Plan.	Occupiers.	Owners.	Quantity.			Tax per Acre now assessed.	
			A.	R.	P.	s.	d.
1	Shore, Birkett - -	King, Mary - -	3	0	0	2	0
2	Butcher, Robert - -	Sherard, P. C. - -	2	2	35	2	0
3	Wright, Joseph - -	Tebbutt, Widow - -	2	2	0	2	0
4	Watts, William - -	Himself - -	2	1	0	2	0
5	Beldam, Joshua - -	Willingham School - -	0	2	0	2	0
6	Watts, William - -	Himself - -	13	1	0	2	0
7	Nix, Thomas - -	Himself - -	13	2	0	2	0
8	Darwood, Robert - -	Johnson, Rev. T. - -	0	2	10	2	0
9	Raper, Ephraim - -	Himself - -	5	3	6	2	0
10	Harradine, John - -	George Game Day - -	17	3	17	2	0
11	Darwood, Robert - -	Johnson, Rev. T. - -	6	3	0	2	0
12	Raper, Ephraim - -	Himself - -	12	3	0	2	0
13	Thompson, George - -	Himself - -	87	3	0	2	0

III.—LANDS in SOMERSHAM.

	Barlow, Robert - -	Himself - -	2	0	0	2	0
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IV.—The BANKS and FORELANDS and LANDS adjacent thereto, belonging to the CORPORATION of the BEDFORD LEVEL, situate on the WEST SIDE of the OLD BEDFORD RIVER, and between the BLACK SLUICE at EARITH and WELCHES DAM SLUICE.

N.B.—The Tax on the above is 1s. 6d. per Acre.

Vipan, Joseph - -	Welch's Dam, being Counter Wash.	26	15	0	0	15	0	0
	<i>N.B.</i> —The Tax on the last is 2s. 3d. per Acre.							

SCHEDULE (C.)

WE the undersigned, being Seven of the Middle Level Drainage Commissioners, acting under and in pursuance or by virtue of an Act of Parliament passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act " to amend the Acts for improving the Drainage and Navigation of " the Middle Level of the Fens, and for other Purposes connected " therewith," and the First and Second Acts therein recited, present at a Meeting convened and holden pursuant to the said Acts on the Day of at o'Clock, in the Year of our Lord One thousand eight hundred and at the in the in the Isle of Ely, do hereby tax, charge, and assess the Fen Lands mentioned and described in the annexed Book marked by the Reference to the 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

“ Bury Saint Edmunds, 1833,” and which Plan marked C is signed by John Fryer, Esquire, as Chairman of a Meeting of the said Commissioners, and the said Book marked _____ is signed by the Chairman of this Meeting, being within or near the Middle Level of the Fens, and bounded and described as in the said Act and recited Acts or one of them specified, and which were at the Time of passing the said Acts subject to Inundations by Land or Sea Floods, (except Lands, Messuages, Tenements, and Hereditaments in the several Parishes of Wisbech Saint Peters and Elm in the Isle of Ely which then drained or discharged their Waters into or through the Wisbech River or the Sewer called the Marshland Great Sewer, and except also Whittlesea Mere and the Reed Shoals or Lands adjacent thereto,) and the respective Occupiers of such Lands, whose Names are mentioned in each Page of the said Book, with the several Sums of Money set down in each Page of the Book marked _____ against the Names of such Occupier in the Column headed “ Tax per Acre,” being at the several Rates per Acre set down against the Names of such Occupiers, and being also according to the several Prices and Sums at which the said Lands have been classed and taxed by the Valuers and Umpire, this being the _____ Tax imposed by the said Commissioners under the said Act of Parliament; and the said Commissioners order and direct that the Tax hereby imposed shall be paid to the Collectors appointed by the said Commissioners to receive the same (that is to say) as to Lands situate

[Here follows a Statement of the Parishes and Places appointed in respect of which each Collector is to receive the Tax at his own Residence.]

And we direct that such Taxes shall be paid as aforesaid on the _____ Day of _____ between the Hours of Ten in the Morning and Five in the Afternoon of that Day.

FORM OF TAXING.

Parish of UPWELL in the County of NORFOLK and ISLE OF ELY.

Occupiers.	Owners.	No. on Plan.	Quantity.			Tax per Acre.		Amount of Tax.		
			A.	R.	P.	s.	d.	£	s.	d.
A. B. - -	C. D. - -	289	20	0	3	1	7	1	11	8½
C. D. - -	Owner unknown	7	5	0	0	1	0	0	5	0

SCHEDULE (D.)

WE the undersigned, being Seven of the Middle Level Drainage Commissioners, acting under and in pursuance of or by virtue of an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, intituled “ An Act to amend the Acts for improving the Drainage “ and Navigation of the Middle Level of the Fens, and for other “ Purposes connected therewith,” and the First and Second Acts therein
 [Local.] 14 K

therein recited, present at a Meeting convened and holden pursuant to the said Acts on the _____ Day of _____ at _____ o'Clock, in the Year of our Lord One thousand eight hundred _____ at the _____ in _____ in the Isle of Ely, do hereby tax, charge, and assess the Fen Lands mentioned and described in the Fourth and Fifth Columns of the Schedule to a Paper Writing marked _____ by reference to the Map thereof made in pursuance of the said Act, or the said recited Acts, or One of them, (being all the Lands in Whittlesea Mere which at the Time of passing the said Act were covered with Water, and all the Reed Shoals or Lands then adjacent thereto or intermixed therewith,) by Mr. Charles Muriel Bidwell, Surveyor, Ely, One thousand eight hundred and forty-five, and marked _____, and which Paper Writing marked _____ and Schedule thereto annexed are signed by the Chairman of this Meeting, and the respective Occupiers of such Lands whose Names are mentioned in the Third Column of the said Schedule to the said Paper Writing marked _____, with the several Sums of Money set down in the last Column thereof against the Names of such Occupiers and the Description of such Lands respectively, being at the Rate of _____ per Acre on such Parts of the said Mere as at the Time of the passing of said Act were constantly covered with Water, and did not produce Reed, and on that Portion of the Reed Shoals adjoining thereto subjected to the higher Rate of Taxation by the said Act, and being at the Rate of _____ per Acre on the Remainder of the said Reed Shoals and Lands, the Rates per Acre charged on each Occupier being set down in the Sixth Column of such Schedule, and this being the _____ Tax assessed by us on the said Mere, Shoals, and Lands under the said Act of Parliament; and we the said Commissioners do order and direct that the Tax hereby imposed shall be paid to _____, one of the Collectors appointed by the said Commissioners to receive and collect the same, at the Dwelling House of the said _____, situate at _____ in the County of _____, on the _____ Day of _____ next, between the Hours of Ten in the Morning and Five of the Afternoon of that Day.

The SCHEDULE above referred to.

No.	Owner's Name.	Occupier's Name.	Description of the Property in the Map made under 7th & 8th Victoria, Cap. 106. Section 184.	Situation of Property.	Rate per Acre.	Estimated Extent as per Map.			Amount of Rate.		
						A.	R.	P.	£	s.	d.
1	E. F. -	G. H. -	No. 13. -	Whittlesea Mere.	Seven Shillings	152	3	7	53	9	6 $\frac{3}{4}$
2	Owner unknown.	W. A. -	No. 12. -	Whittlesea Mere.	Seven Shillings	1	0	0	0	7	0

SCHE-

SCHEDULE (E.)

WE the undersigned, being Five of the Middle Level Drainage Commissioners, acting under and in pursuance or by virtue of an Act of Parliament passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Acts for improving the " Drainage and Navigation of the Middle Level of the Fens, and " for other Purposes connected therewith," and of the First and Second Acts therein recited, do hereby, according to the Statutes in such Case made and provided, authorize and require you and any and each of you to enter into and upon in the Possession and Occupation of situate at in the of , and numbered on the Plan mentioned in the Taxation or Assessment of the Tax made by the said Middle Level Drainage Commissioners, on the Day of One thousand eight hundred and , and into and upon all Messuages and Tenements standing thereon or belonging thereunto; with the Appurtenances, and to levy the Sum of due and by them directed to be paid at a Time now passed by the said for a Tax imposed by the said Middle Level Drainage Commissioners upon the said , and upon the said as the Occupier thereof in and by the said Taxation, and now in arrear and unpaid, together with for a Penalty incurred by the said by his Default in not paying the said Tax, by Distress of any Goods or Chattels which shall be found on the said Premises, and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive, carry away, and keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, giving or leaving the Notice required in such Case by the Statutes in such Case made and provided; and in case of the Non-payment of the said several Sums of Money and the Charges attending such Distress and Removal, and of the not replevying of the Goods and Chattels distrained, within Five Days next after such Distress made and Notice given as aforesaid, then we further authorize and require you, any and each of you, to cause the Goods and Chattels so distrained to be appraised and sold according to the Statutes aforesaid for and towards Satisfaction of the said Monies and the Charges of taking, keeping, removing, appraising, and selling the said Goods and Chattels, and to deal with the Overplus, if any, as directed by the Statutes aforesaid, and for so doing this shall be your sufficient Warrant and Precept.

Witness our Hands and Seals this Day of One thousand eight hundred and

To } (L. S.)
 and each of them. } (L. S.)
 } (L. S.)
 } (L. S.)
 } (L. S.)

SCHEDULE (F.)

WHEREAS the Sum of _____ is due and payable and in arrear from _____ for a Tax imposed by the Middle Level Drainage Commissioners, acting under and in pursuance or by virtue of an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Acts for improving the Drainage and Navigation of the Middle Level of the Fens, and for other Purposes connected therewith," and of the First and Second Acts therein recited, upon the _____ now or lately in the Occupation of the said _____ at _____ and numbered _____ on the Plan mentioned in the Taxation or Assessment of the _____ Tax made by the said Commissioners on the _____ Day of _____ One thousand eight hundred _____ and _____, and upon the said _____ as the Occupier thereof, together with _____ for a Penalty incurred by him for his Default in not paying the said Tax: And whereas no sufficient Distress can be found in or upon the said _____ whereon to levy the said Tax and Penalty so in arrear as aforesaid, as hath been made to appear to us the undersigned Commissioners.

Now, therefore, we the undersigned, being Five of the said Middle Level Drainage Commissioners, do hereby, according to the Statutes in such Case made and provided, authorize and require you, any and each of you, to levy the said Sum of _____ so due and payable by the said _____ for the said Tax, and now in arrear and unpaid, together with the said Sum of _____ for the said Penalty incurred by him by his Default in not paying the said Tax, 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 Statutes in such Case made and provided, giving to or leaving for him due Notice of the Cause of such Distress; and for so doing this shall be your sufficient Warrant or Precept. Witness our Hands and Seals this _____ Day of _____, One thousand eight hundred and _____.

To	}	(L.S.)
		(L.S.)
and each of them.		(L.S.)
		(L.S.)
		(L.S.)