



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxxii.

An Act for more effectually draining certain Fen Lands and Wet Grounds called “*The Great West Fen*,” in the Parish of *Hilgay* in the County of *Norfolk*. [24th July 1854.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually draining certain Fen Lands and Wet Grounds called the Great West Fen, in the Parish of Hilgay in the County of Norfolk*: And whereas the Commissioners for executing such Act (in this Act called the existing Commissioners) have proceeded to carry the Provisions of such Act into execution: And whereas there is owing at Interest, on the Credit of the Rates and Taxes by such Act authorized to be raised, the Sum of Four hundred Pounds, or thereabouts: And whereas it is expedient that further Powers should be granted for more effectually draining such Fen Lands and Wet Grounds, and for that Purpose that a further Sum of Money be authorized to be raised; and such Object may be better attained if the recited Act is repealed, and other Provisions granted instead thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that

1 Will. 4.
c. xxvi.

[Local.]

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it

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it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

Short Title. I. In citing this Act for any Purpose it shall be sufficient to use the Expression, "*Hilgay Great West Fen Drainage Act, 1854.*"

Recited Act repealed. II. The recited Act is repealed.

Acts done under repealed Act to continue. III. All Things done under or by virtue of the recited Act, or any Act by such Act repealed, shall be and remain as good, valid, and effectual, to all Intents and Purposes, as if the recited Act had not been repealed.

Arrears of Taxes. IV. All Arrears of Rates, Taxes, Charges, and Assessments under the repealed Act, and all Forfeitures and Penalties in respect thereof, unpaid on the passing of this Act, may be levied, recovered, and applied by the Commissioners in the same Manner (*mutatis mutandis*) as Rates, Taxes, Forfeitures, and Penalties under this Act, and as if the recited Act had not been repealed.

Saving Rights under repealed Act. V. Provided always, That the Repeal of the recited Act shall not extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions not specified and reserved in or restricted by, or otherwise expressly provided for by this Act, which under or by virtue of the recited Act were given; granted, continued, or reserved to or for the Benefit of any Person whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making of or maintaining or otherwise on account of the Works by the recited Act, or by any Act by such Act repealed, authorized to be made and maintained, or to which such Person is or may be, or, but for the Repeal of such Act, would have been otherwise entitled under or by virtue of such Act, and which Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions were subsisting or capable of being exercised at the Time of the passing of this Act.

Grants, &c., to continue in force. VI. All Acts of Parliament and Provisions of Acts, other than and except the Act hereby repealed, and all Grants, Gifts, Conveyances, Leases, Assignments, Assurances, Purchases, Sales, Titles by Possession and otherwise, Covenants, Contracts, Agreements, Rents, Annuities, Debts, Mortgages, Bonds, Securities, Liabilities, Verdicts, Judgments, Decrees, Orders, Inquisitions, Processes, Awards, Consents, Approvals, Certificates, Notices, and other Matters and Things enacted, made,

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made, executed, entered into, acquired, obtained, issued, incurred, made payable, served, published or given to, with, from, by, upon, in favour of, against, or in reference to the existing Commissioners, shall be as good, valid, and effectual, upon, or in favour of, or against, or in reference to the Commissioners, as the same respectively were good, valid, and effectual, immediately before the passing of this Act, upon or in favour of, or against, or in reference to the existing Commissioners, and the Commissioners shall be considered as identical with the existing Commissioners in reference to all such Matters.

VII. No Action, Suit, Prosecution, Appeal, or Notice of Appeal, Order, or Decision of Justices, or Matter pending before Justices, Distress, Entry, Execution, Arbitration, or other Proceeding whatsoever commenced, carried on, levied, given or made, by, against, or in reference to the existing Commissioners, shall abate, or be discontinued, annulled, or prejudicially affected by this Act; but, on the contrary, the same shall continue and take effect in favour of, or against, or in reference to the Commissioners, in the same Manner in all respects as the same would have continued and taken effect in favour of, or against, or in reference to the existing Commissioners, and the Commissioners shall be considered as identical with the existing Commissioners in reference to all such Matters.

Actions, &c.
not to abate.

VIII. Nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, or any Remedy which the existing Commissioners had or might have had in case this Act had not passed against any Person, or which any Person had or might have had in case this Act had not passed against such Commissioners, but all such Rights, Causes, and Remedies may be enforced or prosecuted by or against the Commissioners in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the existing Commissioners if this Act had not been passed.

Rights of
Action
saved.

IX. All Minute and other Books, Surveys, Maps, and other Documents whatsoever, and all certified and other authenticated Copies or Extracts of or from Books, Surveys, Maps, and other Documents, made, kept, certified, or authenticated under or in pursuance of the recited Act, or by any Act by such Act repealed, and which were made Evidence or authorized to be given in Evidence, shall, notwithstanding the Repeal of the recited Act, be admitted as Evidence in all Courts of Law and Equity and elsewhere, as fully and effectually as the same respectively would or might have been admitted if this Act had not been passed.

Books, &c. to
be Evidence.

X. Provided always, That notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything

Continuing
Rights, Lia-
bilities, &c.

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under former
Act.

everything before the passing of this Act done or suffered under the recited Act shall be as valid as if the recited Act was not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the recited Act was not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners shall to all Intents and Purposes represent the existing Commissioners: Provided always, that the Generality of the Provisions contained in this Enactment shall not be confined or restricted by any special Provision contained in this Act.

Officers un-
der recited
Act to conti-
nue till re-
moved.

XI. Notwithstanding the Repeal of the recited Act, all Clerks, Officers, and Persons appointed by virtue of or acting under the Authority of such Act shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereunto annexed, until they shall be removed therefrom by the Commissioners; and all such Clerks, Officers, and Persons shall have the like Powers and Authorities for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if they had been appointed by virtue of this Act.

Drainage
Works, &c.
to vest in
Commis-
sioners.

XII. All Reaches, Lodes, Sluices, Ditches, Doors, Cuts, Catch-water Drains and other Drains, Tunnels, Dams, Headings, Outlets, Forelands, Stanches, Culverts, Banks, Drove-ways or Occupation Roads, Mills, Steam Engines or other Engines, Bridges, Machinery, Buildings, and other Works and Conveniences, and all Lands, Money, Goods, Chattels, and Effects, and all Estates, Easements, and Rights vested in the existing Commissioners, or heretofore used or enjoyed by them, shall vest in the Commissioners, and may be used or enjoyed by them for the Purposes of this Act.

10 & 11 Vict.
c. 16., with
Exceptions,
incorporated.

XIII. "The Commissioners Clauses Act, 1847," (with the Exception of the Clauses with respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, and of Clause Fifty-four,) is incorporated with this Act.

Appoint-
ment of Com-
missioners.

XIV. The Lord of the Manor of *Woodhall* in *Hilgay* for the Time being (being of the Age of Twenty-one Years), the Rector of *Hilgay* for the Time being, and every Person who for the Time being shall be *bonâ fide* seised or possessed in his own Right or in Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert,
Lunatic,

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Lunatic, Minor, or other incapacitated Person, of Ten Acres of the Lands by this Act directed to be drained, shall be a Commissioner for executing this Act: Provided, that when there shall be more than One such Trustee, Committee, or Guardian, only One Person shall act at One Time as a Commissioner in respect of One such Feme Covert, Lunatic, Minor, or other incapacitated Person respectively.

XV. Every Person who shall be *bonâ fide* seised or possessed as aforesaid of Twenty Acres of such Lands, may, by Writing under his Hand, appoint, during his Pleasure and so long as he shall continue so seised or possessed as aforesaid, a Deputy Commissioner; and every such Deputy Commissioner shall have the same Power and Authority to act in the Execution of this Act as the Person by whom he was appointed; but no such Deputy Commissioner shall so act except in the Absence of the Person by whom such Appointment is made.

Power to Owners of certain Property to appoint Deputy Commissioners.

XVI. Provided always, That no Person shall act as a Deputy Commissioner until he shall have delivered in his Appointment, or Notice or Certificate of such Appointment, at some Meeting of the Commissioners; and such Appointment, or Notice or Certificate, shall be filed among the Proceedings of the Meeting, and a Minute thereof shall be entered by the Clerk in the Book of the Commissioners containing the Entry of such Proceedings.

No Person to act as Deputy Commissioner until his Appointment be delivered in.

XVII. If any Person not being qualified shall act as a Commissioner, or if any Person not being qualified shall appoint a Deputy to act as a Commissioner, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same in any of the Superior Courts.

Penalty on acting or appointing a Deputy without being qualified.

XVIII. The Limits of this Act shall comprise and include all the Fen Lands and Wet Grounds in the Parish of *Hilgay*, containing by Estimation Six hundred and seventeen Acres Three Roods and Twenty Perches, or thereabouts, comprised within the following Boundaries; (that is to say,) the River *Wissey* Bank on the North, the *Ouse* Bank on the West, *Sam's Cut* on the South-west, the Turnpike Road leading from *Ely* to *Downham* on the South-east, and the *Cross Drove*, Land late *Day's*, Land of *Robert Case*, and the Bank leading to the *Wissey*, on the East; and which said Fen Lands and Wet Grounds are more particularly specified and described in the Schedule to this Act annexed.

Limits of Act.

XIX. The Number of Commissioners to be present to form a Meeting for carrying the Provisions of this Act into execution shall be Three.

Number of Commissioners to form a Meeting.

[*Local.*]

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XX. The

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First Meeting of Commissioners.

XX. The Commissioners shall hold their First Meeting on the Fourth *Friday* next after the passing of this Act at the *Bell Inn* in *Hilgay*, or at some other Inn or Place within the Limits of this Act, or within Eight Miles thereof.

Commissioners to hold Annual Meetings.

XXI. The Commissioners shall hold an Annual Meeting on the *Wednesday* in *Easter Week* in every Year at the *Bell Inn* in *Hilgay*, or at some other Inn or Place within the Limits of this Act, or within Eight Miles thereof, but it shall not be necessary for them to hold any monthly Meetings, notwithstanding anything in "The Commissioners Clauses Act, 1847," contained to the contrary; and at any of such Meetings any Business and Matters authorized by this Act may be transacted, and any of such Meetings may be adjourned from Time to Time in the Manner mentioned in the Forty-first Section of "The Commissioners Clauses Act, 1847."

Commissioners may maintain, &c. existing Drainage and other Works.

XXII. The Commissioners may maintain and keep in repair, cleanse, scour, deepen, improve, alter, remove, and use for the Purpose of draining the said Fen Lands and Wet Grounds respectively within the Limits of this Act, all the Drainage and other Works herein-before mentioned, or such of them as they shall from Time to Time deem necessary and proper for any of the Purposes of this Act; and they may continue and maintain the present Tunnel under *Cross Drove*, now used for draining the Waters from the Border Lands into the Works of Drainage vested in the Commissioners: Provided always, that the Commissioners shall not pass the Waters from such Fen Lands and Wet Grounds into the Drain called *Sam's Cut* to a greater Extent than such Water is now passed, but they may pass such Water either into the *Ouse* or *Hilgay Creek*.

Commissioners may make new Works.

XXIII. The Commissioners may from Time to Time, as they shall see Occasion, make, erect, repair, and maintain, cleanse, scour, deepen, improve, alter, and remove all such new Works of Drainage, Sluices, Ditches, Doors, Cuts, Catch-water Drains and other Drains, Tunnels, Dams, Headings, Outlets, Forelands, Stanches, Culverts, Banks, Drove-ways or Occupation Roads, Steam Engines and other Engines, Bridges, Machinery, Buildings, and other Works and Conveniences, as they may deem requisite for the Drainage and Improvement of the said Fen Lands and Wet Grounds within the Limits of this Act or any Part thereof, and they may enter upon, take, and use any Lands within such Limits necessary for such Purpose: Provided always, that no Cut to be made under the Powers of this Act shall be more than Eleven Feet in Width at the Bottom.

Satisfaction to be made for Damages.

XXIV. Provided always, That if the Commissioners shall make or cause to be made any Bank, Cut, Drain, Dam, Tunnel, Outlet, or other

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other Work in or through any Lands within the Limits of this Act, or erect or make, or cause to be erected or made, any Engine or other Work thereupon, or shall take or use any Earth or Ground thereout, they shall pay such a reasonable Satisfaction to the Person having Right to such Lands in or through which such Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work shall be made, or whereupon such Engine or other Work shall be erected, or from whence such Earth or Ground shall be taken or used, for the Damage done thereby, as shall be agreed upon between the Commissioners and the Person having Right to such several Lands; and if the Commissioners and such Person cannot agree about the Value of such Damage, then as shall be assessed and judged reasonable by the Justices of the Peace or the major Part of them, not interested in the Premises, or in the Fen Lands and Wet Grounds to be drained by virtue of this Act, at any General or Quarter Sessions of the Peace to be held for the County of *Norfolk* within Twelve Months after such Damage shall be done.

XXV. Every Person who shall wilfully damage any Bank, Sluice, Ditch, Door, Drain, Tunnel, Dam, Heading, Outlet, Floodgate, Foreland, Stanch, Culvert, Cut, Steam Engine or other Engine, Bridge, Machinery, or other Work already made, or hereafter to be made, or in the course of being made or used for any of the Purposes of this Act, or place any Net or other Material, or in any way wilfully obstruct the Passage of the Water through any such Drain, shall be liable to a Penalty not exceeding Twenty Pounds for every such Offence, and shall also make full Compensation to the Commissioners for all Damage so done.

Penalty for
destroying
Works.

XXVI. Every Occupier of any Fen Lands or Wet Grounds within the Limits of this Act, shall at all Times keep every Ditch, Dyke, and Drain within such Lands and Grounds well scoured, cleansed, deepened, widened, roded, and opened to the Depth of Five Feet, and of the Width of Nine Feet at the Top and Three Feet at the Bottom, and construct and maintain such Tunnels in the same as may be necessary to allow free Passage for the Water; and if any such Occupier shall neglect or refuse to keep any such Ditch, Dyke, or Drain so scoured, cleansed, deepened, widened, roded, and opened, or to construct and maintain any such Tunnels or any Part thereof, after One Month's Notice for that Purpose shall have been given to him, or left at his last or usual Place of Abode, or by affixing the same on some conspicuous Part of such Lands or Grounds, by the Collector or any other Officer of the Commissioners, such Occupier shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Two Shillings nor less than Sixpence for every Rod of such Ditch, Dyke,

Penalty on
neglecting to
keep Ditches
in repair.

or

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or Drain so neglected to be scoured, cleansed, deepened, widened, or opened; any Sum not exceeding One Shilling nor less than Threepence for every Rod of such Ditch, Dyke, or Drain so neglected to be roded; and any Sum not exceeding Sixty Shillings nor less than Twenty Shillings for every Tunnel so neglected to be made, constructed, or maintained; and such Collector or other Officer may cause such Work to be done; and the Commissioners, or any Three of them, may from Time to Time, and whether in Meeting assembled or not, by Warrant under their Hands cause the respective Penalties, and the Costs and Charges of such Work, to be levied by Distress and Sale of the Goods and Chattels of the Occupier of such Lands or Grounds, rendering the Overplus of the Monies arising from such Distress and Sale (if any), after deducting the Expenses attending such Distress and Sale, to the Owner of such Goods and Chattels.

Penalty for
making
Watering
Places.

XXVII. If any Person shall at any Time make or cause to be made any Watering Place for Cattle to drink in any of the Public or Outside Drains made or maintained by virtue of this Act, or shall continue to use any such Watering Place already made, after Three Days Notice in Writing to the contrary thereof, given to him by the Clerk or any Officer of the Commissioners being so authorized by the Commissioners by Writing under the Hands of any Three of them, whether assembled at a Meeting or not, every such Person so offending shall forfeit for every such Offence any Sum not exceeding Ten Pounds, and any Sum not exceeding Twenty Shillings *per* Day for every Day he shall continue to use any Watering Place so made.

Power to
destroy
Moles.

XXVIII. The Commissioners, or any Person authorized by them, may from Time to Time enter on any Lands within the Limits of this Act for the Purpose of destroying Moles, and they may destroy all Moles that may be within such Limits.

Taxes to be
laid on Lands,

XXIX. The Commissioners may once or oftener in every Year, as they may think proper for the Purposes of this Act, assess, rate, tax, and charge all and singular the respective Fen Lands and Wet Grounds within the Limits of this Act, or the respective Owners or Occupiers thereof, with such respective Tax or Taxes as they may think necessary, but not exceeding the respective Amounts following; that is to say, the Fen Lands and Wet Grounds specified and referred to in the First Part of the Schedule to this Act, or the Owners or Occupiers thereof, Ten Shillings *per* Acre in any One Year, and the Fen Lands and Wet Grounds specified and referred to in the Second Part of such Schedule, or the Owners or Occupiers thereof, Six Shillings *per* Acre in any One Year: Provided always, that such Taxes or Sums of Money to be raised or levied on such Fen Lands and Wet Grounds mentioned in such Second Part of such Schedule, or the
respective

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respective Owners or Occupiers thereof, shall in every Year be Two Fifths *per* Acre less than the Taxes or Sums of Money *per* Acre which shall be raised and levied on the Fen Lands and Wet Grounds mentioned in the First Part of such Schedule, or on the Owners or Occupiers thereof, and such respective Taxes or Sums of Money shall be paid by every Owner or Occupier of such Lands and Grounds at such Time as the Commissioners shall at the Time of laying each such Tax direct.

XXX. Every Occupier of such Lands assessed, rated, taxed, or charged with any such Tax, shall in the first instance pay such Tax, and he may then deduct and retain out of his Rent the Amount paid in respect of such Tax, and the Owner of such Lands is required to allow such Deduction and Payment upon the Receipt of the Residue of his Rent: Provided always, that any such Occupier shall not be required to pay in respect of any such Tax a greater Amount than shall be due from him for Rent: Provided also, that this Provision shall not interfere with or abrogate any Agreement entered into between any Owner or Occupier of any Lands in regard to the Payment of any such Tax.

Tenants to pay Taxes, and deduct same out of their Rent.

XXXI. In case the Occupier of any of such Lands shall neglect to pay any Sum of Money so assessed, rated, taxed, or charged on such Lands to the Collector or Person appointed to receive the same, within the Time appointed for such Payment, every Person neglecting to pay the same shall forfeit to the Commissioners the Sum of Three Shillings and Fourpence for every Twenty Shillings not so paid, and so in proportion for any greater or less Sum than Twenty Shillings: Provided always, that any Money paid in respect of such Penalty, or for any Costs in respect of the Recovery of the same, or of any Tax, shall not be deducted or retained by any Occupier from his Landlord.

Penalty on Nonpayment of Taxes.

XXXII. If any Person shall neglect to pay any Tax which shall be assessed, rated, taxed, or charged on any Lands in his Occupation, with such Penalty as may be incurred by Nonpayment thereof, the Collector or any other Person, by virtue of any Warrant or Precept under the Hands and Seals of the Commissioners or any Three of them, (which Warrant or Precept the Commissioners are hereby empowered from Time to Time to grant as Occasion may require, whether assembled at a Meeting or not,) to enter into and upon such Lands, and to levy the Amount due and payable for such Tax, together with such Penalty as may be incurred, by Distress of any Goods or Chattels which shall be found on the Lands; and in case no sufficient Distress shall be found on such Lands, such Collector or other Person may,

Power of Distress for Taxes.

[*Local.*]

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by virtue of such Warrant or Precept, make such Levy by Distress and Sale of any Goods and Chattels belonging to such Person which shall be found upon any other Lands within the Limits of this Act, rendering the Overplus, if any, on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale.

Lands unoccupied to remain a Security for Tax, and Distress may be taken at any Time afterwards.

XXXIII. In case any of such Lands shall at any Time be untenanted or unoccupied, so that no sufficient Distress can be found for levying any such Tax and Penalty, then the Lands chargeable therewith shall remain a Security for Payment thereof, and all Goods and Chattels which shall at any Time thereafter be found thereon may be distrained and sold in manner before directed, until all Arrears of such Taxes and Penalty, and the Charges of such Distress, shall be fully paid and satisfied.

Lands may be let for Payment of Taxes.

XXXIV. If any of such Taxes and Penalty shall be in arrear and unpaid for Six Months, and no sufficient Distress can be found upon the Lands charged with such Taxes, the Commissioners may let so much of such Lands as they shall adjudge sufficient, for such Term of Years not exceeding Fourteen Years, at the best Rent which can be reasonably had and gotten for the same, and upon such Terms and Conditions as to them shall seem reasonable, and apply the Rent arising therefrom in Payment and Discharge of such Taxes and Penalties, and of such Charges and Expenses as the Commissioners shall incur or be liable to in consequence of such last-mentioned Proceedings, and pay any Overplus from such Rent to the Owner of such Lands on Demand.

Commissioners empowered to raise 2,500*l.* on Credit of Taxes.

XXXV. The Commissioners may borrow, on Mortgage of the Taxes to be raised in pursuance of this Act, such Money as they may think proper, not exceeding in the whole (but including the Sum of Four hundred Pounds, or thereabouts, now owing) the Sum of Two thousand five hundred Pounds.

Application of Monies.

XXXVI. All Monies which shall come to the Hands of the Commissioners by virtue of this Act shall be applied as follows :

First, in defraying the Charges and Expenses of or incident to the obtaining and passing of this Act :

Secondly, in paying, but not out of any Money to be borrowed, the Interest on such of the Mortgages granted under the recited Act as from Time to Time are in force :

Thirdly, in paying, but not out of any Money to be borrowed, the Interest of all Monies borrowed under this Act :

Fourthly,

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Fourthly, in maintaining, but not out of any Money to be borrowed, the Sinking Fund by the 84th Clause of the Commissioners Clauses Act, 1847, directed to be formed :

Fifthly, in carrying the several Purposes of this Act into execution :

Sixthly, in paying off any Money that may be owing by the Commissioners.

XXXVII. If any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, or any Act incorporated therewith, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen ; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances with Two sufficient Sureties before a Justice, conditioned duly to prosecute such Appeal and to abide the Order of the Court thereon.

Appeal to
Quarter Ses-
sions on
giving Secu-
rity.

XXXVIII. At the Quarter Sessions for which such Notice shall be given, the Court shall proceed to hear and determine the Appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions ; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Court to
make such
Order as they
think reason-
able.

XXXIX. 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 remain vested in the said Governor, Bailiffs, and Commonalty, and the Governor, Bailiffs, and Conservators, as fully as if this Act had not been passed.

Saving
Rights
of Governor,
&c. of Bed-
ford Level.

XL. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons, Bodies Politic, Corporate, and Collegiate, and their Heirs, Successors, Administrators, or Assigns, except such Persons as are or may be interested

General
Saving.

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interested in the Fen Lands and Wet Grounds within the Limits of this Act, all such Estates, Rights, and Interests as they had and enjoyed before the passing of this Act, or could or might have had or enjoyed in case the same had not been passed.

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The SCHEDULE to which the foregoing Act refers.

FIRST PART.

Owner.	Description.	Quantity.		
		A.	R.	P.
Cook, William - - -	Land in several Pieces, numbered respectively in the Tithe Commutation Map of the Parish of Hilgay, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13a, 14, 15, 16, 17, 18, 19, 20, 21, 22, 87, 88, 89.	159	0	27
East Anglian Railway - - -	Land in One Piece - - -	3	3	16
Cave, Henry - - -	Land numbered on the said Map, 31, 32	12	2	7
Case, Robert - - -	Land in several Pieces, numbered respectively on the said Map, 26, 27, 28, 76, 77, 78, 35, 74, 75.	49	2	29
Scott, John - - -	Land numbered respectively on the said Map, 1, 2, 3.	3	0	13
Barton, Rebecca - - -	Land numbered on the said Map, 4 -	1	3	17
Canham, Robert George - - -	Land numbered respectively on the said Map, 70, 81.	29	3	0
Churchwardens of Hilgay - - -	Land numbered on the said Map, 91 -	10	3	6
Ward, John - - -	Land in several Pieces, numbered respectively on the said Map, 82, 83, 84, 85, 86.	30	3	22
Ward, Thomas - - -	Land numbered on the said Map, 90 -	13	1	12
Layton, Robert Martin - - -	Land numbered respectively on the said Map, 47, 48.	7	1	11
Hughes, Rosetta - - -	Land numbered respectively on the said Map, 71, 72.	16	3	25
Kilburn, Elizabeth - - -	The lower Part of a Piece of Land numbered on the said Map, 44, and—	2	0	38
	Land in the said Map, numbered 45, 56 -	3	3	4
Parkes, William Joseph - - -	Land numbered on the said Map, 69 -	8	3	18
Peel, Edmund - - -	The lower Part of a Piece of Land numbered on the said Map, 57.	4	2	21
	The lower Part of a Piece of Land numbered on the said Map, 58.	3	3	2
	And Land in several Pieces numbered respectively on the said Map, 23, 24, 25, 51, 52, 53, 54, 55, 56, 73, 29, 30.	116	0	12
Brown, Thomas - - -	Land numbered on the said Map, 63 -	7	1	30
Doyle, Hannah - - -	Land numbered respectively on the said Map, 33, 34, 36, 37, 38, 79, 80.	45	1	9
	Carried forward - - -	531	0	39

[Local.]

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Hilgay Great West Fen Drainage Act, 1854.

SECOND PART.

Owner.	Description.	Quantity.		
		A.	R.	P.
	Brought forward - - -	531	0	39
Parkes, William Joseph, Clerk	Land numbered 67 on the Tithe Commutation Map of the Parish of Hilgay.	4	1	16
Brown, Thomas - - -	Land numbered 64 on the said Map -	3	3	19
	Land numbered 65 on the said Map -	0	0	22
	Land numbered 66 on the said Map -	2	1	17
Jones, Louisa - - -	Land in Two Pieces, numbered 61 and 62 on the said Map.	24	1	28
Peel, Edmund - - -	Land numbered 50 on the said Map -	11	0	8
	Land numbered 59 on the said Map -	4	2	5
	Land numbered 60 on the said Map -	5	3	22
	Land being the upper Half of a Piece of Land numbered 57 on the said Map.	4	2	21
	The upper Half of a Piece of Land numbered 58 on the said Map.	3	3	1
Layton, Robert Martin -	Land numbered 49 on the said Map -	6	1	31
Kilburn, Elizabeth -	Land numbered 42 on the said Map -	4	0	18
	Land numbered 43 on the said Map -	0	1	26
	And the upper Part of a Piece of Land numbered 44 on the said Map.	1	2	0
Woodcock, Henry - - -	Land in Three Pieces, numbered respectively 39, 40, and 41 on the said Map.	9	0	27
	TOTAL. - - -	617	3	20

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