



CHAPTER cl.

An Act for authorising the Middle Level Commissioners to make a new Outfall Sluice, and for conferring further powers on the Commissioners, and for amending the Acts relating to them; and for other purposes. [16th July 1874.] A.D. 1874.

WHEREAS the district called the Middle Level, being part of the Great Level of the Fens called Bedford Level, is now subject to the authority of the Middle Level Commissioners (in this Act called the Commissioners), who are incorporated and regulated by the Acts described in the first schedule to this Act (in this Act referred to collectively as the Middle Level Acts, and severally, as regards the three Acts in that schedule first mentioned, by the respective short descriptions therein set forth):

And whereas the drainage of the Middle Level is effected by means of a drain commonly and in this Act called the Middle Level main drain:

And whereas it is expedient that the Commissioners be empowered to make a new sluice near the outfall of the Middle Level main drain into the Ouse, and to execute other works for the better drainage of lands in the Middle Level:

And whereas plans and sections describing the lines, situations, and levels of the proposed sluice and works connected therewith, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the clerk of the peace for the county of Norfolk (which are in this Act referred to as the deposited plans, sections, and book of reference):

And whereas under the Middle Level Acts the Commissioners now levy on divers lands in the Middle Level and adjacent thereto three graduated acreage taxes, having the several statutory designations of the tax, the further tax, and the additional tax, and

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And whereas in order to enable the Commissioners to defray the expenses of the execution of the works aforesaid and other works, it is expedient that they be empowered to levy a further equal acreage tax on the taxable lands, and to borrow money on the security thereof :

And whereas it is expedient that the three taxes be consolidated into one tax :

And whereas all the existing mortgages of the Commissioners except such mortgages as are charged on the special tax extend to and embrace the three taxes :

And whereas it is expedient that the Middle Level Acts and other Acts affecting the Middle Level be in various other respects amended, and that the powers of the Commissioners be in various other respects enlarged :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Preliminary.

Short title.

1. This Act may be cited as *The Middle Level Act, 1874.*

Repeal of enactments in second schedule.

2. The enactments described in the second schedule to this Act are hereby repealed, but this repeal shall not affect the past operation of any of those enactments, or any right, title, obligation, or liability accrued under any of those enactments before the passing of this Act, or the validity or invalidity of anything theretofore done or suffered thereunder, nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty or forfeiture incurred under any of those enactments before the passing of this Act, but every such proceeding instituted before and carried on after the passing of this Act shall be (as far as may be) carried on, and every such proceeding instituted after the passing of this Act shall be instituted and carried on subject and according to the provisions of this Act relating to procedure.

Interpretation of terms.

3. In this Act—

“Middle Level” means the district defined in sub-section seven of section 4 of the Middle Level Act, 1862, as altered by section 64 of the Middle Level Act, 1867 ;

“ Drain ” includes sewer, stream, lode, watercourse, creek, and cut ; A.D. 1874.

“ Boat ” includes barge or other vessel ;

“ The Nene Navigation Act ” means the Act of the twenty-seventh year of King George the Second (chapter twelve) relating to the improving and preserving of the navigation from Salter’s Lode Sluice to Standground Sluice, and to other matters ;

“ Person ” includes a sanitary or other local authority and a corporation aggregate or sole.

4. The following enactments, as far as they are applicable for the purposes of, and are not varied by, or inconsistent with this Act, are hereby incorporated with and shall be part of this Act ; (namely,) Incorporation of enactments.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (in this Act referred to as the Lands Clauses Acts) ;

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof ;

Sections fourteen and fifteen of the Act of the session of the fifth and sixth years of Her Majesty’s reign (chapter fifty-five) “ for the better regulation of railways and for the conveyance of troops ” ;

and for the purposes of this Act the Commissioners shall be deemed to be “ the promoters of an undertaking ” within the meaning of the Lands Clauses Acts, and the said incorporated provisions of the Railways Clauses Consolidation Act, 1845, and the before-mentioned sections fourteen and fifteen shall have effect as if the Commissioners were a railway company, and as if any work of the Commissioners or under their authority was a railway, and as if Drainage Commissioners and Commissioners of Sewers were specified, in addition to owners and occupiers of lands, in such of those provisions as relate to owners and occupiers of lands.

5. With respect to the construction and execution of this Act the following provisions shall have effect ; (that is to say,) Construction of Act and execution by Board.

(1.) This Act, as far as may be, shall be read and have effect as one Act with the Middle Level Acts :

(2.) Subject to sections sixty-six to sixty-nine, both inclusive, of the Middle Level Act, 1862, this Act shall be carried into execution by the Middle Level Board, constituted under section sixty-five of that Act :

(3.) Where in any of the Middle Level Acts any of the following designations occur, the same shall, for the purposes of this

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Act, be taken to mean the Commissioners within the meaning of this Act; (that is to say,) Middle Level Drainage Commissioners, or Navigation Commissioners, or Nene Navigation Commissioners, or Commissioners of Drainage and Navigation, or Drainage Commissioners, or Drainage and Navigation Commissioners, or Canal and Nene Trustees.

Effect of
schedules.

6. The schedules to this Act shall be deemed to be and shall have effect as part of this Act.

*Works and
Lands.*
—Power to
make outfall
cut and
sluice.

7. Subject to the provisions of this Act, the Commissioners may make and maintain the following works; (namely,)

A cut commencing in the Middle Level main drain at a point about two hundred and seventy yards to the south-west of the syphon dam therein of the Commissioners, and terminating therein at a point about five hundred and seventy yards to the north-east of that dam (which cut shall be called the Middle Level main drain outfall cut, and is in this Act referred to as the outfall cut);

An outfall sluice to be called the Middle Level main drain outfall sluice (and in this Act referred to as the outfall sluice);

and may cause the water of the Middle Level main drain to pass through the outfall sluice.

Outfall sluice
substituted
for sluice
under Act
of 1844.

8. The outfall sluice when completed and opened for use shall be deemed to be in substitution for the sluice which the Commissioners are by section one hundred and thirty-eight of the Middle Level Act, 1844, required to make and maintain at or near the entrance into the River Ouse of the cut in that section referred to.

Removal
of dam,
syphons, &c.

9. The Commissioners may, as soon as they think fit, after the completion and opening for use of the outfall cut and sluice, remove the dam, syphons, and apparatus (or so much thereof as they think proper) for which the outfall cut and sluice will be substituted, and in case of any such removal they shall use or dispose of the materials of the works removed, and they shall apply the proceeds of any disposition thereof in or towards payment of the cost of removal, and they shall pay the deficiency (if any) out of their general fund.

Power to
divert road.

10. Subject to the provisions of this Act, the Commissioners may execute also the following work; (namely,)

A diversion of the road leading from Wiggshall St. Germans to Wiggshall St. Mary the Virgin, commencing near the south-eastern end of St. Mary's Bridge over the Middle Level main

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drain, and terminating in the same road about four hundred and twenty yards eastward of the last-mentioned point ; and on the completion and opening for public use of that diversion the same shall thenceforth be a public highway, but shall be maintained and repaired by the Commissioners.

11. Subject to the provisions of this Act, the Commissioners are hereby empowered to execute from time to time also the following works ; (namely,)

Power to execute general works.

To cleanse, scour, and otherwise improve and remove obstructions and shoals in and from the channels and beds of the rivers and drains under their authority in such manner, order, and course, and by such means as they deem expedient, including the putting in of temporary or other coffer-dams, or other dams, overfalls, or sluices, in order to obtain a free passage for the waters of those rivers and drains to their outfall ;

To make and maintain on lands within the Middle Level, or on lands belonging to them, such culverts, ditches, drains, pipes, sluices, floodgates, weirs, dams, walls, banks, towing paths, approaches, and other works and conveniences as they from time to time think necessary or proper in connexion with the outfall cut and sluice, or for maintaining and improving the drainage of the Middle Level, and for preventing the flooding of lands therein, and for the other objects of this Act ;

To cross, stop up, alter, or divert, temporarily or permanently, the public roads described in that behalf in the deposited plans and book of reference, but in case of a permanent alteration or diversion, subject to the provisions respecting alterations or diversions in any general Act relating to highways for the time being in force ;

To cross, stop up, alter, or divert, temporarily or permanently, any drain as far as may be necessary or convenient in the construction or maintenance of the outfall cut and sluice, or of any work authorised by this Act.

12. Subject to the provisions of this Act, the Commissioners in making the outfall cut and sluice, and other works by this Act authorised, shall make the same in the lines and according to the levels shown on the deposited plans and sections as far as the same are shown thereon, but they may deviate to any extent within the limits of deviation shown on those plans, and vertically to any extent not exceeding five feet upwards or five feet downwards, and they shall not make any variation, extension, or enlargement of any cut for drainage being more than eleven feet wide at the bottom thereof unless the same is shown on the deposited plans and sections.

Observance of deposited plans.

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Period for
completion
of works.

13. If the outfall cut and sluice are not completed within seven years from the passing of this Act, then at the end of that time the powers of the Commissioners for executing the same under this Act shall cease.

Power to
take lands
referenced.

14. Subject to the provisions of this Act, the Commissioners may from time to time enter on, take, and use all or any part of the lands described in the deposited plans and book of reference.

Corrections
of errors,
omissions,
&c.

15. If any omission, mis-statement, or erroneous description is found to have been made of land, or of an owner, lessee, or occupier of land described or intended to be described in the deposited plans or book of reference, the Commissioners may apply to two justices for the correction thereof, after giving ten days notice to the owner, lessee, and occupier of the land, and if it appears to the justices that the same arose from mistake, they shall certify accordingly, stating the particulars, and their certificate shall be deposited with, and shall be kept with, and shall be part of the deposited plans or book of reference, and the same shall thereupon be deemed to be corrected according to the certificate, and the Commissioners may enter on, take, and use the land accordingly.

Houses of
labouring
classes.

16. The Commissioners shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view on or within a reasonable distance from such houses, and they shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Period for
compulsory
purchase of
lands.

17. The powers of the Commissioners for compulsory purchase of lands shall not be exercised after the expiration of five years from the passing of this Act.

Power to
purchase
land by
agreement.

18. The Commissioners may from time to time purchase by agreement any lands, and may hold the same, but the lands held by them under this section shall not exceed in the whole at one time fifty acres.

Power to
agree for
easements.

19. Persons empowered by the Lands Clauses Acts or otherwise to sell and convey or release lands may, but as regards persons so empowered by the Lands Clauses Acts only subject to the provisions of those Acts and of this Act, grant to the Commissioners, and the Commissioners may take and hold, any easement, term, right, or privilege required for the purposes of this Act in, over, or affecting lands, for a gross sum or at a yearly rent or otherwise, and the provisions of the Lands Clauses Acts with respect to lands and

rentcharges as far as the same are applicable in this behalf shall extend and apply to such lands, grants, easements, terms, rights, and privileges as aforesaid.

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20. For protection of the Wisbech Waterworks Company and of their works, sections eighteen, nineteen, twenty, twenty-one, and twenty-three of the Railways Clauses Consolidation Act, 1845, shall be incorporated with and form part of this Act, and for the purposes of this Act "the Company" in those sections shall mean the Commissioners, and "the railway" in the same sections shall mean the outfall cut, and any penalty recovered under section twenty-three of the said Act of 1845 shall be paid to the Wisbech Waterworks Company.

For the protection of the Wisbech Waterworks Company.

21. The Commissioners shall, within twelve months after the passing of this Act, notwithstanding anything in section one hundred and two of the Middle Level Act, 1862, or in any other provision of the Middle Level Acts, at their own cost make and shall for ever maintain a good and sufficient and continuous bridge, road, and haling path from the existing road and haling path on the north of the site of the late sluice of the Commissioners on the west side of the Ouse to the road and haling path now existing to the south of the site of the said sluice, so as to make good the said road and haling path across the whole of the chasm now existing on the west side of the Ouse, and the said bridge, road, and haling path so to be made and maintained by the Commissioners as aforesaid shall not in any part thereof be less than twenty feet in width, and the works prescribed by this section shall be in lieu of the bridge, road, or haling path prescribed by section one hundred and two of the Middle Level Act, 1862, and the provisions of that section respecting consent, approval, and notice, shall extend and apply to the works prescribed by this section, and the expenses of the making of the works prescribed by this section, and all costs and expenses incurred by the Commissioners in relation to the provisions of section one hundred and two of the Middle Level Act, 1862, up to the time of the completion of the works prescribed by this section, shall be paid by the Commissioners out of the money for the time being standing to the Main Sluice Tax Capital Account, and the expenses of the maintenance by them of the works prescribed by this section shall be paid by them out of their general fund.

Commissioners to construct bridge and road over site of former sluice.

22. Subject to the provisions of this Act, the Commissioners shall yearly tax all the taxable lands with an equal tax of not exceeding one shilling an acre, which shall be called the Middle Level main drain outfall sluice tax (and which is in this Act referred to as the main sluice tax).

Main Sluice Tax and borrowing thereon.

Commissioners to levy main sluice tax.

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Power to
borrow.

23. The Commissioners may from time to time borrow at interest on the security of the main sluice tax such sums of money as they from time to time think requisite for the execution of this Act, not exceeding in the whole eighty thousand pounds, and may mortgage the main sluice tax to secure the repayment of the money so borrowed with interest accordingly.

As to mort-
gages.

24. Every mortgage made by the Commissioners shall be by deed under their common seal duly stamped and truly stating the consideration.

Receiver for
mortgages.

25. The Commissioners may from time to time by any mortgage deed or other deed under their common seal appoint or authorise the appointment of a receiver of the main sluice tax on behalf of or by any mortgagee thereof on such terms as the Commissioners and the mortgagee from time to time agree.

Power for
receiver to
levy tax.

26. If at any time the Commissioners fail to exercise or discharge all or any of their powers and duties for assessing, collecting, and enforcing payment of the main sluice tax, so as to provide for payment of and to fully pay the interest and principal money payable on any mortgage, then any receiver appointed on behalf of or by the mortgagee, or by the Court of Chancery, shall have and may in the name of the Commissioners (but without being obliged to use their common seal) exercise with respect to the main sluice tax the like powers, rights, and remedies for assessing, collecting, and enforcing payment of the same as are by this Act given to the Commissioners.

Accounts
open to
mortgagees.

27. The books of account of the Commissioners shall be open at all reasonable times to the inspection of the mortgagees of the Commissioners, with liberty to take extracts therefrom, without payment.

Payment off
of mortgages
by instal-
ments or
sinking fund.

28. The Commissioners shall pay off any money borrowed by them on mortgage of the main sluice tax, either by instalments or by means of a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose, as follows ; (that is to say,) as regards any money borrowed before the expiration of ten years from the passing of this Act within thirty years after the expiration of those ten years, and as regards any money borrowed after the expiration of those ten years within thirty years after the same is borrowed.

Power to
re-borrow.

29. If the Commissioners at any time pay off otherwise than by instalments, or by means of a sinking fund, any money borrowed by them on mortgage of the main sluice tax, they may from time to time re-borrow the same or any less amount on mortgage thereof,

subject and according to the provisions of this Act relating to borrowing on mortgage thereof. A.D. 1874.

30. Any person lending money to the Commissioners under this Act shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of the money lent, or any part thereof.

Protection of lenders from inquiry.

31. The Commissioners shall keep separate accounts as follows; (that is to say,)

Main sluice tax accounts.

First. An account to be called the Main Sluice Tax Income Account, to which shall be carried the receipts from the collection of the main sluice tax;

Secondly. An account to be called the Main Sluice Tax Capital Account, to which shall be carried the following:

- (a.) All money received from borrowing on security of the main sluice tax:
- (b.) All money received as consideration for exoneration of lands from the main sluice tax under the provisions of this Act:
- (c.) Any balance remaining in the hands of the Commissioners of the proceeds of any disposition of the materials of the dam, syphons, and apparatus to be removed as aforesaid, after payment of the cost of removal.

32. The Commissioners shall apply any money from time to time standing to the credit of the main sluice tax capital account in the manner and in the order following, and not otherwise; (that is to say,)

Application of capital of main sluice tax.

- (1.) In paying the costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act, or attending the borrowing of money on the security of the main sluice tax:
- (2.) In making the outfall cut and sluice and other works specified in this Act, and in executing works connected therewith, and in purchasing and acquiring lands and interests in lands for the purposes of the same cut, sluice, and works, and incidental thereto, and in payment of expenses and costs by any other provision of this Act directed to be paid thereout:
- (3.) In carrying into effect the other purposes of this Act (except maintenance of works, and such purposes as are properly chargeable against income).

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Application
of income
from main
sluice tax.

33. The Commissioners shall apply the money from time to time standing to the credit of the main sluice tax income account in the manner and in the order following, and not otherwise; (that is to say,)

(1.) In paying such proportion as the Commissioners from time to time think fit of their establishment and working expenses:

(2.) In paying half year by half year, or otherwise as occasion requires, the interest, instalments, and sums of money from time to time accruing due and payable under their mortgages on the main sluice tax, and in providing any sinking fund required for payment off of money borrowed on mortgage thereof:

(3.) In otherwise carrying into effect the purposes of this Act.

Cesser of
main sluice
tax.

34. As soon as all the purposes for which the main sluice tax is applicable are fully satisfied that tax shall wholly cease, and if there is then any balance standing to the credit of the main sluice tax capital account, or of the main sluice tax income account, it shall be carried to and form part of the general fund of the Commissioners.

*Consolidated
tax and
levying of
taxes.*

Consolida-
tion of the
three taxes
and one
assessment
for all taxes.

35. From and after the thirty-first day of October one thousand eight hundred and seventy-four, the Commissioners shall proceed with reference to the assessment of taxes as follows; (that is to say,)

They shall assess on the taxable lands the three taxes as one tax, to be called the Middle Level Consolidated Tax (in this Act referred to as the consolidated tax);

They shall assess the special tax (assessable under the Middle Level Act, 1867,) in one and the same instrument of assessment with the consolidated tax;

They shall assess the main sluice tax in one and the same instrument of assessment with the consolidated tax and with the special tax;

Every such instrument of assessment may be in the form given in the third schedule to this Act, or to the like effect, with such variations and additions as the Commissioners from time to time think expedient.

Application
of provisions
in fourth
schedule to
consolidated
special and
main sluice
taxes.

36. The provisions of the Middle Level Acts described in the fourth schedule to this Act as far as they are in force shall apply as follows; (that is to say,)

The provisions described in Part I. of that schedule shall apply to the consolidated tax in like manner as they apply to the three taxes or to any one or more of them;

The provisions described in Part II. of that schedule shall apply to the special tax in conjunction with the consolidated tax or alone, as in case this Act had not been passed they would have applied to the special tax in conjunction with the three taxes, or with any one or more of them, or alone;

The provisions described in Part III. of that schedule shall apply to the main sluice tax in conjunction with the consolidated tax or alone, the last-mentioned provisions being for this purpose read as if the main sluice tax were therein mentioned instead of the special tax.

37. Neither the consolidation by this Act of the three taxes into the consolidated tax, nor any other thing in this Act relating to the three taxes or to the consolidated tax, shall take away, abridge, or in any respect prejudicially affect any right or title of any person having at the passing of this Act under or by virtue of any mortgage deed or other deed or bond or otherwise any mortgage of, or charge on, or interest in, the three taxes or any of them, and every such mortgage, charge, and interest shall be as valid and effectual on, in, and against the consolidated tax as in case this Act had not been passed it would have been on, in, or against the three taxes or any one or more of them, and every such mortgage deed or other deed or bond shall be read and have effect as if the consolidated tax had been therein specified instead of the three taxes or any one or more of them.

Protection of mortgagees on three taxes.

38. The assessing by the Commissioners of the consolidated tax shall be deemed to be a compliance by them with any covenant for the time being entered into by them with any mortgagee for the assessing by them of the three taxes or any of them.

Compliance with covenant respecting the three taxes.

39. As soon and as long as the mortgage or bond debt of the Commissioners charged on the consolidated tax is less than three hundred thousand pounds, but not less than one hundred and fifty thousand pounds, the Commissioners may, if they think fit, reduce and keep reduced the consolidated tax by an amount per acre not exceeding one third of the aggregate amount per acre of the three taxes at the passing of this Act, and as soon and as long as the mortgage or bond debt of the Commissioners charged on the consolidated tax is less than one hundred and fifty thousand pounds, the Commissioners may, if they think fit, further reduce and keep reduced the consolidated tax by such an amount per acre as aforesaid, subject however to the following proviso; (that is to say,)

Reduction of consolidated tax on reduction of mortgage debt.

That the security and remedies by the Middle Level Acts or this Act given or intended to be given to any mortgagee or bond

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creditor shall not by this section be in anywise prejudicially affected, and that no mortgagee or bond creditor shall be hindered from levying the consolidated tax to the full amount for which the three taxes are at the passing of this Act levied in pursuance of the provisions in that behalf in the Middle Level Acts and this Act contained.

Saving for
lands in
Sutton, &c.
Level.

40. Nothing in this Act relating to any tax leviable by the Commissioners shall make any land within the Sutton and Mepal Level and Manea and Welney district liable to any tax to which it is not liable at the passing of this Act, and all that land shall, as regards liability to taxes leviable by the Commissioners, remain and be in all respects as if this Act had not been passed, and the provisions of this Act relating to consolidation of the three taxes shall not include or apply to any tax leviable on that land.

Where taxes
shall be pay-
able and
notices re-
quired.

41. There shall be three places at least within the Middle Level where the taxes assessed by the Commissioners shall be payable; (that is to say,) Whittlesea, March, and Ramsey, and the times and places appointed for such payment shall be advertised in some newspaper usually circulated within the Middle Level not less than twice immediately previous to each such time of payment.

Distress for
recovery of
taxes and
penalties.

42. If any person fails to fully pay any tax leviable by the Commissioners, they are hereby empowered to proceed as follows; (that is to say,)

To enter on all or any part of the lands in respect whereof the default is made, and any buildings thereon, and levy the amount of the tax unpaid, with the penalty incurred by default, by distress of any goods and chattels and growing crops found thereon;

In case sufficient distress is not found thereon, then to levy that amount or the deficiency by distress of any goods and chattels and growing crops of the person in default whensoever and wheresoever the same are found within the Middle Level;

To impound on or in the lands or buildings the goods, chattels, and crops seised, or to take, drive away, and impound the same elsewhere;

To keep, sell, and deal with the same in all respects as a landlord is by law authorised to do in case of distress for rent on a common demise, paying on demand the surplus (if any) of the money produced by sale to the person entitled thereto;

and for the purposes aforesaid the Commissioners may from time to time issue their warrant of distress under their seal or under the hand of their clerk, which may be in the form given in the fifth schedule to this Act, or to the like effect, with such variations and

additions as circumstances require, but the powers and remedies conferred on the Commissioners by this section shall be in addition and without prejudice to their other powers and remedies for recovery of any tax, or of any penalty incurred by default in payment thereof.

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43. No demand or summons shall be necessary before executing any warrant of distress for the recovery of any tax leviable by the Commissioners, but notice of the intention to make any distress shall be given to the occupier of the land in respect whereof the default is made, at his cost, ten days at least previous to executing any such warrant.

Notice to be given before making distress.

44. Section thirty-three of the Middle Level Act, 1848, shall extend to the rights, powers, and authorities for levying, recovering, and enforcing payment of any penalty incurred by default in payment of any tax leviable by the Commissioners.

Recovery of penalties for nonpayment of taxes.

45. Section seventy-six of the Middle Level Act, 1862, shall be read and have effect as if the words "due and" were not inserted therein at either place where the same occur therein.

Amendment of section 76 of the Middle Level Act, 1862.

46. The taxes assessed by the Commissioners shall be local rates within section thirty-two of the Bankruptcy Act, 1869.

Taxes to be local rates in bankruptcy.

47. The Commissioners may from time to time make bye-laws for all or any of the following purposes relating to drainage; (namely,)

Drainage.

For prohibiting persons from throwing, or causing or suffering to pass or fall, any weeds, earth, stones, or soil into any river or drain under the authority of the Commissioners;

Power to make bye-laws for drainage.

For prohibiting persons from making or cutting tunnels or drains into or through, or otherwise injuring the banks, forelands, or slopes of any river or drain, the banks, forelands, or slopes of which belong to the Commissioners, or for the maintenance of which the Commissioners are liable;

For prohibiting persons from defacing marks on the sluices, bridges, gauge-posts, or other works of or under the authority of the Commissioners;

For prohibiting persons from injuring the stone, brick, iron, or wood work of the bridges, sluices, or other works under the authority of the Commissioners, or which they are liable to maintain, or creating any nuisance at or near the same;

For prohibiting persons from trespassing on lands or works of or under the authority of the Commissioners;

For prohibiting persons from injuring, defacing, or removing notices, placards, and bills put up by the direction of the Com-

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missioners, and the posts, railings, and fences connected with the works of or under the authority of the Commissioners.

Navigation.

Navigation
to be under
control of
Commis-
sioners.

48. Subject and without prejudice to the provisions in force of the Middle Level Acts respecting the navigation to be maintained between Outwell Church and Salter's Lode Sluice, and also subject and without prejudice to the exceptions and provisions in force of the Middle Level Acts respecting the depth of water to be maintained in the other navigable rivers and drains under the authority of the Commissioners, and subject and without prejudice to the rights and powers vested in the Sutton and Manea Committee under section one hundred and five of the Middle Level Act, 1862, the navigation within the Middle Level and through the sluices on the navigable rivers and drains under the authority of the Commissioners shall be under the control of the Commissioners, who may from time to time, if and as they think fit, suspend, re-open, and otherwise regulate that navigation or any part thereof, but the said power of suspension shall be subject to the same provisions as are prescribed by the Middle Level Acts, or any of them, in respect of the suspension of the navigation of rivers and streams.

Saving
rights of
Sutton, &c.
Committee.

49. Provided always, that nothing in this Act contained shall be deemed or construed to prejudice or affect the property, rights, powers, and privileges vested in or exercised by the Sutton and Mepal and Manea and Welney Districts.

Saving
rights under
section 144
of the Act
of 1862.

50. Nothing in this Act contained shall alter, prejudice, or affect any rights or privileges which are secured by section one hundred and forty-four of the Middle Level Act, 1862, but the provisions of that section shall be held to apply to this Act.

Power to
make bye-
laws for
navigation.

51. The Commissioners may from time to time make byelaws for all or any of the following purposes relating to navigation ; (that is to say,)

For regulating the navigation of boats on and through the navigable rivers, drains, sluices, and locks under their authority, or which they are liable to maintain, and the haling, mooring, loading, and unloading of boats ;

For prohibiting the use in any of those rivers and drains of any boat worked by steam, or being in the judgment of the Commissioners otherwise prejudicial or dangerous to the navigation thereof, or to the banks thereof, or to the drainage by or through the same ;

For prohibiting persons from leaving boats sunken or unattended, or other obstructions in the rivers and drains under the authority of the Commissioners, and for requiring sunken boats to be removed by the owners or the persons having charge

thereof, and in default for providing for the removal thereof by the Commissioners at the expense of the owners, and for the recovery of the expenses from them summarily or by detention and sale of the boats, or by such other means as this Act or the byelaws may provide ;

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For requiring the owners of boats to have their names and places of abode painted thereon ;

For requiring persons in charge of boats, on receiving cargoes on board, to take consignment notes stating from and to whom the goods are consigned and the points or places on the navigation at which the same are to be unloaded, with the quantity or weight of the goods and other particulars, and to produce the same to the collectors on demand ;

For regulating or restricting the navigation of any boat through any sluice or lock on Sundays, Christmas Days, and Good Fridays within specified hours.

52. Section ninety-four of the Act of the thirty-fourth year of the reign of King George the Third (chapter ninety-two) relating to the Wisbech Canal is hereby repealed, and in lieu thereof the Commissioners may stop up or remove any tunnel for the time being laid in or through the banks of the Nene between Outwell Church and Salter's Lode Sluice that shall or would convey or pass any water from or out of the Nene when the water therein is under the ten feet two inches mark shown on the gauge now fixed on the west side of Salter's Lode Sluice.

Power of Commissioners over tunnels conveying water out of Nene.

53. Any collector or other person employed or authorised to collect or receive the further tolls imposed by section two hundred and twenty of the Middle Level Act, 1844, shall have the like powers and authorities for enforcing payment thereof as are vested in the collector of the tolls imposed by section twelve of the Nene Navigation Act.

Powers for collection of further navigation tolls.

54. From and after the passing of this Act it shall not be lawful for any person to do any of the following things ; (that is to say,)

Sewage.

(1.) To open into any river or drain under the authority of the Commissioners any sewer, drain, pipe or channel with intent or in order thereby to provide for the flow or passage of sewage or other offensive or injurious matter :

Prohibition of sending sewage newly into rivers, &c.

(2.) To cause or without lawful excuse (proof whereof shall lie on the person accused) to suffer any sewage or other offensive or injurious matter to flow or pass into any river or drain under the authority of the Commissioners down

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—

or through any sewer, drain, pipe or channel not used for that purpose before the passing of this Act :

(3.) To open into any cut, dock, canal, ditch, channel, or stream communicating with any river or drain under the authority of the Commissioners any sewer, drain, pipe, or channel with intent or in order thereby to provide for the flow or passage of sewage or other offensive or injurious matter in such manner that the same will be carried or be likely to be carried by, through, or out of that cut, dock, canal, ditch, or channel into any river or drain under the authority of the Commissioners :

(4.) To cause or without lawful excuse (proof whereof shall lie on the person accused) to suffer any sewage or other offensive or injurious matter to flow or pass into any cut, dock, canal, ditch, or channel communicating as aforesaid down or through any sewer, drain, pipe, or channel not used for that purpose before the passing of this Act in such manner that the same will be carried or be likely to be carried by, through, or out of that cut, dock, canal, ditch, or channel into any river or drain under the authority of the Commissioners :

If any person does anything in contravention of this section he shall for every such offence, on the prosecution of the Commissioners, but not otherwise, be liable on summary conviction before two justices to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day on which the offence is continued after notice of the offence given to him by the Commissioners, and after such conviction the Commissioners may stop up the sewer, drain, pipe, or channel in respect of which the offence is committed, and for that purpose may do all works that appear to them requisite, and may enter on any lands within the Middle Level, and the Commissioners may recover summarily from the offender, with costs, all expenses reasonably incurred by them in so doing.

Power of entry.

55. The powers of entry conferred on a local board of health by section one hundred and forty-three of the Public Health Act, 1848, may be exercised by the Commissioners for the purpose of ascertaining the course of any sewer, drain, pipe, or channel, or the flow or passage of any sewage or other offensive or injurious matter opening, flowing, or passing, or supposed to open, flow, or pass in contravention of this Act.

Payment of penalties, &c.

56. Penalties, expenses, and costs recovered under this Act from a sanitary authority shall be payable and paid out of the rates

leviable by them respectively as a sanitary authority, and they respectively are hereby required to levy proper and sufficient rates for such payment accordingly.

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by public authorities.

57. Where by the Middle Level Acts or the Nene Navigation Act any instrument is required to be under the hands and seals of any number of Commissioners, it shall be sufficient if it is sealed with the common seal of the Commissioners.

General Amendments.

Substitution of seal for signatures.

58. Notwithstanding anything in the Middle Level Acts to the contrary, it shall not be necessary to convene and hold a general meeting of the Commissioners on the first Thursday in March in every year unless the Middle Level Board think fit to order and direct the same to be convened and held.

As to dispensing with general meeting in March.

59. The Middle Level Board may at any time by resolution and order direct a special meeting of the Commissioners to be convened and held at such place as the board may appoint, notice of every such meeting being previously given by advertisement twice in some newspaper generally circulated within the Middle Level, specifying the nature of the business proposed to be brought forward at such meeting.

Board may convene special meeting at any time.

60. Notwithstanding anything in the Middle Level Acts or this Act, the Commissioners may at any time and from time to time sell, lease, or otherwise dispose of any lands vested in them at the passing of this Act, or acquired by them under this Act, or any part thereof, absolutely or for such terms of years or other interests, at or for such rents or other considerations, and subject to such covenants, conditions, and stipulations, or on such other terms as they think expedient, with and subject to the following powers and provisions; (that is to say,)

Power for Commissioners to hold, sell, or let lands.

- (1.) As regards lands vested in the Commissioners at the passing of this Act, the same shall in the meantime remain vested in them on and subject to the terms and conditions affecting the same at the passing of this Act, and as regards lands acquired by the Commissioners under this Act the same shall in the meantime, notwithstanding anything in this Act, remain vested in them unconditionally:
- (2.) Any conveyance under this section may be in the form set forth in the sixth schedule to this Act or to the like effect, and any deed in that form or to the like effect shall be valid and effectual for the purposes therein expressed:
- (3.) On sales of lands under this section the Commissioners may impose such terms as they think fit respecting the fencing to be put up and maintained by the respective purchasers

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around all or any part of the lands purchased by them, and the terms shall be stated or referred to in the respective conveyances to the purchasers, and the same shall be absolutely binding on the purchasers, their heirs and assigns :

- (4.) Parts of the lands sold under this section being taxable lands shall continue to be taxable lands :
- (5.) Money received by the Commissioners on the sale under this section of any lands vested in them at the passing of this Act shall be applied as the income arising therefrom is now applicable :
- (6.) Money received by the Commissioners on the sale under this section of any lands acquired by them under this Act shall be carried to their general fund and shall be treated as capital :
- (7.) All sales under this section shall be made subject to the rights and interests of mortgagees of the lands :
- (8.) Nothing in this section shall authorise the Commissioners to sell any barrier bank or other bank or foreland.

Right of pre-emption reserved to Mr. Helsham.

61. Nothing in this Act shall take away or prejudice the right of Gustavus Helsham or his successors in title to the full benefit of the provisions of the Lands Clauses Acts as to pre-emption and otherwise with respect to the lands formerly or now belonging to the said Gustavus Helsham or his predecessors in title taken by the Commissioners for the purposes of their undertaking.

Maintenance of outfall sluice out of general fund.

62. The expense of the maintenance by the Commissioners of the outfall cut and sluice and other works shown on the deposited plans shall be paid by the Commissioners out of their general fund.

Amendment of provisions respecting repair of roads by district Commissioners.

63. So much of section one hundred and twenty-six (relating to the repair of roads by district Commissioners) of the Middle Level Act, 1862, as comprises the provision therein described as a restriction, is hereby repealed, and in lieu thereof the following provision or restriction shall have effect as part of that section; (that is to say,)

Where part only of the land in the district would be directly benefited by the repair of any road or driveway, it shall be the duty of the district Commissioners to come to such determination as therein referred to, and to exempt the owner or occupier of any land that would not be directly benefited by the repair from any such tax or rate or proportion of tax or rate (as the case may be) determined to be applicable for the purpose of such repair, and to repay

any money borrowed for that purpose out of taxes or rates to be levied solely on the owners or occupiers of such lands as would be directly benefited by the repair :

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—

And the powers conferred by that section, as amended by this Act, on district Commissioners, and the provisions of that section as amended by this Act, shall be deemed to be exerciseable and to operate from time to time as occasion requires, and section one hundred and twenty-seven of the same Act shall be read and have effect as if for the following words (that is to say) “such person is or is not directly interested in” there were substituted the following words (that is to say) “the land whereof the appellant is owner or occupier would be directly benefited by.”

64. The Commissioners may at any time by byelaw repeal or alter any byelaw made by them, and with respect to the making of byelaws and matters connected therewith the following provisions shall have effect ; (that is to say,)

Miscellaneous.

Provisions respecting byelaws.

(1.) Byelaws may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, but all byelaws shall be so framed as to allow of part only of the maximum penalty being in any case ordered to be paid :

(2.) All byelaws shall be printed, and the clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same on payment of such reasonable price as the Commissioners from time to time direct, not exceeding sixpence for each copy :

(3.) A printed copy of byelaws purporting to be under the common seal of the Commissioners, and to be certified as a copy by their clerk under his hand, shall be evidence of the existence and due making of the byelaws, without proof of the signature of the clerk or other thing.

65. Provided always, that all byelaws to be made by the Commissioners under this Act shall not have any force or effect until they have been approved by the Local Government Board.

Byelaws to be approved of by Local Government Board.

66. Where any person entitled to pass with a boat through a navigation sluice of the Commissioners desires to pass through the same with a boat, then if a sluice keeper or other officer of the Commissioners without lawful excuse, proof whereof shall lie on him, detains or hinders that person from passing through the sluice with a boat, the sluice keeper or other officer shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Penalty on sluice keeper or officer detaining boat.

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Penalty for
unlawful
passing
through
sluice.

Penalty for
assault.

67. If any person passes or attempts to pass with a boat through a navigation sluice of the Commissioners without the consent of the sluice keeper, that person shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

68. If any person assaults or resists, or aids or incites any person to assault or resist, any engineer, superintendent, sluice keeper, toll collector, or other officer of the Commissioners, or other person in the execution of his duty, or the lawful exercise of any authority under the Middle Level Acts or this Act, or any byelaw made thereunder, he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds, without prejudice to any other proceeding or remedy against him.

Proceedings
for summary
convictions
and appeals.

69. Proceedings with a view to the summary conviction of offenders under the Middle Level Acts or this Act, or under any byelaw of the Commissioners, or to the recovery of penalties (except when otherwise expressed), or of any money or expenses authorised to be recovered summarily, or any other order to be made by justices under the Middle Level Acts or this Act, or any such byelaw, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three) "to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and section one hundred and ten of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six) "to consolidate and amend the statute law of England relating to larceny and other similar offences," shall authorise and apply to appeals in respect of such summary convictions and orders.

Application
of penalties.

70. Where under this Act or any byelaw of the Commissioners any pecuniary penalty, expenses, costs, or other money is or are recovered by the Commissioners; the same shall (notwithstanding anything in any other Act) be paid to the Commissioners, and shall be carried to and form part of their general fund.

Costs of pro-
secutions, &c.

71. The Commissioners may direct any proceedings to be taken at law or in equity in cases within this Act, and may order proceedings to be taken for the recovery of any penalty under this Act, and for the punishment of any person offending against this Act, or in relation to any appeal under this Act, and may pay the expenses of all such proceedings out of their general fund.

Proceedings
against several
persons
for same
offence.

72. Where proceedings under this Act are to be taken against several persons in respect of one nuisance caused by the joint act or default of those persons, the Commissioners may, if they think fit, include them in one complaint, and a justice may, if he thinks

fit, include them in one summons, and any order made may be made on all or any number of those included in the summons, and the costs may be distributed as to the justices appears fair.

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73. In case of a demand or complaint under this Act to which two or more persons, being owners or occupiers of premises, or partly the one and partly the other, are answerable jointly or severally, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them, but nothing in this Act shall prevent any person so proceeded against from recovering contribution in any case in which he would be entitled by law to contribution if this Act had not been passed.

Proceedings against one or more of joint owners or occupiers.

74. Any summons or warrant issued for any of the purposes of the Middle Level Acts or this Act may contain in the body thereof or in a schedule thereto several names and several sums.

Several sums in one summons.

75. Any justice who issues a warrant of distress for any of the purposes of the Middle Level Acts or this Act may order that the costs of the Commissioners of and incidental to the recovery of the money to be levied be paid by the person liable to pay the money, and the costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of the money.

Costs of distress.

76. A judge of any court or a justice shall not be disqualified from acting in the execution of the Middle Level Acts or this Act by reason of his being a Commissioner or a member of the Middle Level Board, or being liable to any tax or other charge under the Middle Level Acts or this Act.

Judges, &c. not disqualified.

77. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, demand, or other document) made, given, delivered, or served by the Commissioners under the Middle Level Acts or this Act, or any byelaw, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the clerk of the Commissioners being affixed thereto in print or writing, or by a stamp on behalf of the Commissioners, and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property, to address it to him by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings or lands collectively, and when so

Form and service, &c. of notices by Commissioners.

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addressed may be served on more owners or occupiers than one (separate copies being served on the respective owners and occupiers of the several houses or buildings or lands concerned), and any such instrument may be served on any owner, occupier, or other person, either personally or through the post, addressed to him by name at his last known place of abode or business, or by delivery of the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to an inmate of the house or building or land in respect of which it is given or served, or if the same is unoccupied, and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy of it, on some conspicuous part of the house or building or land.

Provision as
to arbitra-
tion.

78. In any action brought after the passing of this Act against the Commissioners or their clerk for or in respect of failure of any of their present or future works, or by reason of any default of the Commissioners or of any of their agents, officers, servants, or workmen, the parties to such action may by consent refer the said action and the damages therein, or the damages alone, to an arbitrator to be named for the purpose by Her Majesty's Attorney General for the time being, and such arbitrator shall have all usual powers and power to state a special case for the opinion of the court in which such action is brought, and except as aforesaid the provisions of the Lands Clauses Acts with reference to the determining of the amount of compensation, the costs incidental thereto, and to the enforcing of the payment of such compensation and costs, and to the application of the compensation accruing to parties having limited interests, shall, so far as applicable, extend thereto.

Notice of
actions to be
given.

79. If an action is intended to be brought against any person for anything done, or intended or purporting to be done, in pursuance or execution of the Middle Level Acts or of this Act, or of any byelaw of the Commissioners, notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Saving
rights of
Commis-
sioners of
sewers and
others.

80. Except as in this Act otherwise specially provided, nothing herein contained shall authorise the Commissioners to take away, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed, exercised, or exerciseable by the Commissioners of Sewers for the county of Norfolk, or the Haling Commissioners of the River Ouse acting under the 30th Geo. III. c. 83., or the Ouse Banks Commissioners acting under the 1 Vict. c. 81., or the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford

Level, or the Denver Sluice Commissioners, or the Commissioners for Littleport and Downham district, or the Commissioners for the district of the Hundred Feet Washes. A.D. 1874.

81. Subject to the express provisions of this Act, nothing in this Act shall take away, abridge, or prejudicially affect any right, power, privilege, authority, jurisdiction, estate, title, or interest at the passing of this Act vested in or exerciseable by or belonging to the Commissioners by or under statute, or at common law, or otherwise, and every such right, power, privilege, authority, jurisdiction, estate, title, or interest as aforesaid shall remain and be vested in and shall belong to and be exerciseable by the Commissioners as fully and effectually as if this Act had not been passed. Saving for existing powers, &c. of Commissioners.

82. Nothing in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or assigns. Reserving the rights of the Crown.

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SCHEDULES.

The FIRST SCHEDULE.

THE MIDDLE LEVEL ACTS.

Session and Chapter.	Title or Short Title.	Short Description used in this Act.
50 Geo. 3. c. cxxv.	- 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.	The Middle Level Act, 1810.
7 & 8 Vict. c. cvi.	- An Act for improving the Drainage and Navigation of the Middle Level of the Fens.	The Middle Level Act, 1844.
11 & 12 Vict. c. civ.	- The Middle Level Drainage Amendment Act, 1848.	The Middle Level Act, 1848.
25 & 26 Vict. c. clxxxviii.	The Middle Level Act, 1862.	
30 & 31 Vict. c. lxxv.	- The Middle Level Act, 1867.	

The SECOND SCHEDULE.

ENACTMENTS REPEALED.

Number of Section.	Marginal Note.
I.— <i>The Middle Level Act, 1810.</i>	
Nineteen -	- When taxes shall be paid and payable.
Forty-nine -	- Power of distress in case of non-payment by persons in possession of any land liable to be taxed.
Fifty-four -	- Taxes to be levied on the goods of persons driving their cattle off their lands liable to be taxed by this Act.
Seventy-two -	- Justices may administer oaths, and Commissioners may act as justices unless personally interested.

Number of Section.	Marginal Note.
II.— <i>The Middle Level Act, 1844.</i>	
Twenty	Actions or suits to be brought in the name of any two Commissioners or the clerk.
Twenty-one	Executions to be levied on goods of Commissioners.
Twenty-two	Indemnity to Commissioners and clerk.
Fifty-four	Releases to witnesses.
Fifty-eight	Parties under disability to sell and convey.
Fifty-nine	Parties under disability to exercise other powers.
Sixty	Acceptance of compensation for price of or damage to lands.
Sixty-one	Amount of compensation to be ascertained by valuation in case of parties under disability.
Sixty-two	Compensation to absent parties to be ascertained by valuation.
Sixty-three	Form of conveyances.
Sixty-four	Costs of conveyances.
Sixty-five	Taxation of costs.
Sixty-six	Purchase money payable to parties under disability amounting to £200 to be deposited in Bank of England.
Sixty-seven	Order for applications.
Sixty-eight	Sums from £20 to £200 to be deposited or invested in trustees.
Sixty-nine	Sums not exceeding £20 to be paid to parties.
Seventy	Where parties refuse to convey or do not show title the purchase money to be deposited.
Seventy-one	Application of moneys so deposited.
Seventy-two	Court of Chancery may direct investment or payment of money in respect of leases for lives, years, &c. or reversions as they may think just.
Seventy-three	Party in possession deemed to be the owner.
Seventy-four	Costs in cases of money deposited.
Seventy-five	Payment of price to be made previous to entry, except to survey, &c.
Seventy-six	Penalty on Commissioners entering upon lands without consent before payment of the purchase money.
Seventy-seven	Decision of justices not conclusive as to Commissioners right.
Seventy-eight	Notice of intention to take lands.
Seventy-nine	Parties interested in lands to state their claims.
Eighty	Proceedings in case of refusal to deliver possession of lands.
Eighty-one	Dispute as to compensation to be settled by jury.
Eighty-two	Claims not exceeding £50 to be settled by two justices.

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Number of Section.	Marginal Note.
Eighty-three - -	Notice by Commissioners of intention to have jury summoned.
Eighty-four - -	Requisition by party claiming compensation that jury be summoned.
Eighty-five - -	Warrant for summoning jury to be addressed to the sheriff.
Eighty-six - -	Provisions applicable to sheriff to apply to coroner.
Eighty-seven - -	Summoning of jurymen.
Eighty-eight - -	Impannelling of jurymen.
Eighty-nine - -	Notice of inquiry.
Ninety - -	Sheriff to preside—witnesses to be summoned.
Ninety-one - -	Oath of jurymen.
Ninety-two - -	Verdict of the jury to be for purchase of lands and for damage assessed separately.
Ninety-three - -	Value of interests previously purchased to be deducted.
Ninety-four - -	Verdict and judgment to be recorded.
Ninety-five - -	Costs of the inquiry.
Ninety-six - -	Particulars of the costs.
Ninety-seven - -	Penalty on sheriff and jury for default.
Ninety-eight - -	Penalty on witnesses making default.
Ninety-nine - -	Reference of dispute as to compensation to justices.
One hundred - -	Power to owners of intersected lands to insist on sale.
One hundred and one - -	Power of Commissioners to insist on purchase where expense of bridges, &c. exceeds the value.
One hundred and two - -	Commissioners empowered to purchase the interest in lands, the purchase whereof may have been omitted by mistake.
One hundred and three - -	How value of such lands to be estimated.
One hundred and four - -	Commissioners to pay the costs of litigation as to such lands.
One hundred and five - -	Power to redeem mortgages.
One hundred and six - -	Sum to be paid when mortgage exceeds value of lands.
One hundred and seven - -	Deposit of money when refused on tender.
One hundred and eight - -	Sum to be paid where part only of mortgaged lands taken.
One hundred and nine - -	Conveyance of copyhold lands to be enrolled.
One hundred and ten - -	Copyhold lands to be enfranchised.
One hundred and eleven - -	Lord of the manor to enfranchise on payment of compensation.
One hundred and twelve - -	Apportionment of copyhold rents.
One hundred and thirteen - -	Compensation for common lands where held of a manor to be paid to lord of the manor and churchwardens.
One hundred and fourteen - -	Lord of the manor to convey to the Commissioners.

Number of Section.	Marginal Note.
One hundred and fifteen	Compensation for common lands where not held of a manor, how to be determined.
One hundred and sixteen.	A committee of the parties interested to be appointed in public meeting.
One hundred and seventeen.	Committee to agree with the Commissioners and convey to them.
One hundred and eighteen.	Provision in default of agreement.
One hundred and nineteen.	Upon payment of compensation payable to commoners lands to vest.
One hundred and twenty	Release of lands from rentcharges.
One hundred and twenty-one.	Release of part of lands from charge.
One hundred and twenty-two.	Deposit in case of refusal to release.
One hundred and twenty-three.	Charge to continue on lands not taken.
One hundred and twenty-four.	Where part only of lands under lease taken the rent to be apportioned.
One hundred and twenty-five.	Tenants to be compensated.
One hundred and twenty-six.	Tenants at will, or from year to year, to cede possession on six months notice.
One hundred and twenty-seven.	Compensation to such tenants.
One hundred and twenty-eight.	On refusal sheriff to give possession.
One hundred and twenty-nine.	Production of leases.
One hundred and thirty	Lands not wanted to be sold.
One hundred and thirty-one.	Lands to be offered to the original or to adjoining owners.
One hundred and thirty-two.	Right of pre-emption to be claimed within sixty days.
One hundred and thirty-three.	Proviso as to sale of lands within a town.
One hundred and thirty-four.	Differences as to price to be settled as in other cases.
One hundred and thirty-five.	Effect of the word "grant" in conveyances.
Two hundred and one	Notice to be given of meetings for entering into contracts.
Two hundred and forty-nine.	Justices to examine parties and witnesses.
Two hundred and fifty	Penalties to be summarily recovered before one justice or more.

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Number of Section.	Marginal Note.
Two hundred and fifty-one.	Penalties to be levied by distress.
Two hundred and fifty-two.	Imprisonment in default of distress.
Two hundred and fifty-four.	Penalties to be sued for within six months.
Two hundred and fifty-five.	Penalty on witness making default.
Two hundred and fifty-seven.	Form of conviction.
Two hundred and fifty-nine.	Distress how to be levied.
Two hundred and sixty-one.	Parties may appeal to quarter sessions on giving security.
Two hundred and sixty-two.	Court to make such orders as they think reasonable—costs.

III.—*The Middle Level Act, 1848.*

Thirty-two - -	Warrants may be issued for recovery of taxes without summons on giving notice.
Eighty-one - -	Middle Level Drainage Commissioners allowed to enter upon lands before purchase on making deposit by way of security and giving bond.
Eighty-two - -	Upon deposit being made, cashier to give receipt.
Eighty-three - -	Deposit to remain as a security and to be applied under the direction of the Court.
Eighty-four - -	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.

IV.—*The Middle Level Act, 1862.*

Seventy-three - -	Separate warrants of distress against the same occupier unnecessary.
Seventy-four - -	Taxes may be reduced on payment of portions of the mortgage or bond debts.

The THIRD SCHEDULE.

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FORMS OF ASSESSMENT OF TAXES.

I.—*General Assessment.*

WE, the Middle Level Commissioners, present at a meeting duly convened and holden on the _____ day of _____ one thousand eight hundred and _____, at _____ in the Isle of Ely and county of Cambridge, do hereby tax, charge, and assess the fen lands and low grounds mentioned and described in the first part of the schedule hereto, being lands mentioned or referred to in schedule B. to the Middle Level Act, 1848 (I., II., III., IV.), and the respective occupiers or owners of the said lands whose names are mentioned in the first and second columns of the said first part of the schedule hereto, with the several sums of money set down in the sixth column of the said first part, being at the respective rates at which the said lands are directed to be charged by the said Act; and we do hereby also tax, charge, and assess the fen lands and low grounds mentioned and described in the second part of the schedule hereto, by reference to the numbers on a certain plan called "Plan of part of the Bedford Level and lands adjacent subject to the Eau Brink Tax, by J. G. Lenny, Bury St. Edmunds, 1833," and otherwise, and which lands are situate within or near to the Middle Level of the Fens (except Whittlesea Mere and the late Reed Shoals or lands adjacent thereto, which are taxed by a separate instrument of assessment,) and the respective occupiers or owners of such lands whose names are mentioned in the first column of the second part of the schedule hereto, with the several sums of money set down in the sixth, seventh, and eighth columns of the second part of that schedule, and respectively called the Middle Level Consolidated Tax, the Special Tax, and the Main Sluice Tax, the Consolidated Tax being at the respective rates per acre entered in the fifth column, such rates being the aggregate amount of the tax, the further tax, and additional tax, by the Middle Level Act, 1844, and the Middle Level Act, 1848, directed or authorised to be assessed and charged on the said lands, and being also according to the valuation and apportionment made of the said lands and of the taxes fixed thereon, in pursuance of the provisions of the Middle Level Act, 1844, which apportionment was made final by the Middle Level Act, 1848, and the Special Tax in the seventh column authorised by the Middle Level Act, 1867, being at the rate of one shilling and sixpence per acre, and the Main Sluice Tax in the eighth column authorised by the Middle Level Act, 1874, being at the rate of _____ per acre on all the said last-mentioned lands, except such lands as have been exonerated from the said Special Tax [or and Main Sluice Tax], by the payment of a gross sum or sums in respect of such lands by the owners for the time being thereof, pursuant to the provisions in that behalf of the two last-mentioned Acts or one of them.

And we do hereby order and direct that the several taxes hereby imposed shall become due on the first day of January next, and shall be paid by two equal half-yearly instalments, namely, the first instalment on or before the _____ day of _____ next, and the second instalment on or before

A.D. 1874. the day of [or as the case may be] to the collectors appointed to receive the same; (that is to say,) as to lands situate in the following parishes and places, namely,

[Here name the parishes and places in the Whittlesea Collection]

to at his office situate at Whittlesea in the Isle of Ely, and as to lands situate in the following parishes and places, namely,

• [Here name the parishes and places in the Ramsey Collection]

to at his office situate at Ramsey in the county of Huntingdon, and as to lands situate in the following parishes and places

[Here name the parishes and places in the March Collection]

to at his office situate at March in the Isle of Ely.

In witness whereof, we, the Middle Level Commissioners, have hereunto caused our common seal to be affixed on the day and year first above written.

Sealed with the common seal of the Middle Level Commissioners, in the presence of
A.B.,
their clerk.

Schedule of Taxable Lands referred to in the General Assessment for the year

First Part.—Lands charged with the Tax only.

Parish of

1.	2.	3.	4.			5.			6.		
Occupier.	Owner.	No. on Plan.	Content.			Rate of Tax per acre.			Amount of Tax.		
A.B.	C.D.	6	A.	R.	P.	£	s.	d.	£	s.	d.
The occupier.	Owner unknown.	8	10	0	0	0	2	0	1	0	0
			3	0	0	0	2	0	0	6	0

Second Part.—Lands charged with the Middle Level Consolidated Tax, the Special Tax, and the Main Sluice Tax.

Parish of

1.	2.	3.	4.			5.		6.			7.	8.		9.					
Occupier.	Owner.	No. on Plan.	Content.			Rate of Consolidated Tax per acre.		Amount of Consolidated Tax.			Amount of Special Tax at 1s. 6d. per acre.	Amount of Main Sluice Tax at [1s.] per acre.		Total Amount of Taxes under this Assessment.					
A.B.	C.D.	3	A.	R.	P.	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.			
The occupier.	Owner unknown.	8	5	0	0	6	0	1	10	0	0	7	6	0	5	0	2	2	6
			3	0	0	5	4	0	16	0	0	4	6	0	3	0	1	3	6

II.—*Assessment of Whittlesea Mere and the late Reed Shoals and adjacent lands.*

WE, the Middle Level Commissioners, present at a meeting duly convened and holden on the day of one thousand eight hundred and at in the Isle of Ely and county of Cambridge, do hereby tax, charge, and assess the fen lands and low grounds mentioned and described in the schedule hereto by reference to the numbers on a certain plan called "Plan of Whittlesea Mere and the Reed Shoals, or lands adjacent thereto, or intermixed therewith, made under the provisions of the Act known as the Second Middle Level Act (1844) by Charles Muriel Bidwell, surveyor, Ely, 1845," and the respective occupiers or owners of such lands, whose names are mentioned in the first column of the said schedule, with the several sums of money set down in the sixth, seventh, and eighth columns of the said schedule, and respectively called the Middle Level Consolidated Tax, the Special Tax, and the Main Sluice Tax, the Consolidated Tax being at the several rates per acre entered in the fifth column, such rates being the aggregate amount of the tax, the Further Tax, and the Additional Tax by the Middle Level Act, 1844, and the Middle Level Act, 1848, authorised to be assessed and charged on the said lands, and the Special Tax in the seventh column authorised by the Middle Level Act, 1867, being at the rate of one shilling and sixpence per acre, and the Main Sluice Tax in the eighth column authorised by the Middle Level Act, 1874, being at the rate of per acre on all the said lands, except such lands as have been exonerated from the Special Tax [*or* the Main Sluice Tax] by the payment of a gross sum or sums in respect of such lands by the owner or owners thereof for the time being pursuant to the provisions in that behalf of the two last-mentioned Acts, or one of them. And we do order and direct that the several taxes hereby imposed shall become due on the first day of January next, and shall be paid by two equal half-yearly instalments, namely, the first instalment on or before the day of next, and the second instalment on or before the day of next [*or as the case may be*] to the collector appointed to receive the same at his office situate at Whittlesea in the Isle of Ely.

In witness whereof, we, the Middle Level Commissioners, have hereunto caused our common seal to be affixed the day and year first above written.

Sealed with the common seal of the Middle
Level Commissioners, in the presence
of

A.B.,
their clerk.

A.D. 1874. Schedule of Taxable Lands referred to in the Assessment of Whittlesea Mere and the Reed Shoals and adjacent Lands for the year 18

1.	2.	3.	4.	5.	6.	7.	8.	9.
Occupier.	Owner.	No. on Plan.	Content.	Rate of Consolidated Tax per acre.	Amount of Consolidated Tax.	Amount of Special Tax at 1s. 6d. per acre.	Amount of Main Sluice Tax at— per acre.	Total Amount of Taxes under this Assessment.
			A. R. P.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.

The FOURTH SCHEDULE.

PROVISIONS OF MIDDLE LEVEL ACTS RELATING TO TAXES APPLIED TO CONSOLIDATED TAX, SPECIAL TAX, AND MAIN SLUICE TAX.

PART I.

Act and Section.	Marginal Note of Section.
<i>Middle Level Act, 1810.</i>	
Eighteen - -	Power to levy taxes.
Twenty-seven - -	Commissioners and their officers to have access to the books, assessments, and surveys of the Eau Brink and District Commissioners, &c.
Twenty-eight - -	Penalty on non-payment of taxes.
Forty - - -	Tenants to pay the taxes and deduct the same out of their rents.
Forty-one - - -	But not to deduct penalties.
Forty-two - - -	No beneficial lessee to be allowed to deduct taxes.
Fifty - - -	Means of obtaining payment of tax on commons and wastes and for inclosing competent parts thereof. When taxes and expenses are paid, commons and wastes to be laid down again.

Act and Section.	Marginal Note of Section.
Fifty-one - -	Commons and wastes so inclosed not to be ploughed or dug up.
Fifty-two - -	Commissioners of districts may raise the taxes imposed by this Act in respect of any commons or wastes within their respective districts.
Fifty-three - -	Grounds unoccupied are to remain a security for the tax, and distress may be taken at any time afterwards.
<i>Middle Level Act, 1844.</i>	
Seven - -	First and second recited Act to continue in force, except as repealed or altered by this Act.
One hundred and seventy-four.	Drainage Commissioners to employ valuers to class the lands.
One hundred and seventy-five.	Valuers to deliver a statement in writing of the classification of the lands and of the taxes fixed by them to the Clerk of the Commissioners.
One hundred and seventy-six.	Copies to be deposited.
One hundred and seventy-seven.	Valuers to appoint a time to hear objections if any owners or Commissioners should be dissatisfied.
One hundred and seventy-eight.	Umpire to be appointed in case of disagreement of valuers.
One hundred and seventy-nine.	Succeeding valuers to be appointed in case of death, etc.
One hundred and eighty	Valuer and umpire to subscribe a declaration.
One hundred and eighty-one.	Allowance to valuers and umpire.
One hundred and eighty-two.	Drainage Commissioners to lay taxes except on lands herein mentioned.
One hundred and eighty-three.	Also to tax Whittlesea Mere and adjoining lands.
One hundred and eighty-four.	Survey and map to be made.
One hundred and eighty-five.	Penalty on nonpayment of tax and remedies for recovery of tax and penalty.
One hundred and eighty-seven.	Commissioners of districts empowered to pay taxes out of their funds.
Two hundred - -	Existing surveys may be made use of.
<i>Middle Level Act, 1848.</i>	
Twenty-seven - -	Drainage Commissioners to tax residue of level.
Twenty-eight - -	Power to Commissioners to impose an additional tax, provided that two thirds in value at a special meeting agree.

A.D. 1874.

Act and Section.	Marginal Note of Section.
Twenty-nine - -	Commissioners to impose another tax of two shillings and threepence per acre on Whittlesea Mere and the Reed Shoals.
Thirty - -	Taxes may be reduced when debts are paid.
Thirty-three - -	Powers for recovery of taxes and present apportionment final.
Forty-four - -	Tenants and lessees to deduct taxes.
Forty-five - -	Power to redeem taxes.
Ninety-one - -	First and second recited Acts to continue in force, except as repealed or altered by this Act.

PART II.

Middle Level Act, 1862.

Seventy - -	Separate assessments of the taxes unnecessary.
Seventy-one - -	As to assessing unknown occupiers or owners.
Seventy-two - -	Owners may be rated in certain cases.
Seventy-five - -	Errors as to the contents of taxable lands may be corrected.
Seventy-six - -	Remedy by action.
Seventy-seven - -	Lands may be let for recovery of arrears and penalties.
Seventy-eight - -	For delivery of possession of lands let.
Seventy-nine - -	Taxes may be apportioned in respect of debt and works.
Eighty - -	As to the redemption of taxes in respect of debt.
Eighty one - -	Provisions as to redemption extended to sums resolved to be borrowed.
Eighty-two - -	As to the voluntary redemption of small taxes.
Eighty-three - -	Compulsory redemption of small taxes.
Eighty-four - -	Compensation and trust moneys may be applied in redemption of taxes.
Eighty-five - -	Application of redemption money.
Eighty-six - -	Tenants for life to be repaid redemption money.
Eighty-seven - -	Owner redeeming may recover tax from the occupier, if liable thereto.

Middle Level Act, 1867.

Two - -	Interpretation.
Five - -	Provisions of Middle Level Acts as to making, &c. three taxes applicable to the special tax.
Six - -	Provisions of Middle Level Act, 1862, as to redemption of taxes applicable for purposes of Act.
Nine - -	Commissioners to lay the special tax on all the taxable lands.
Ten - -	Occupiers may deduct taxes except in certain cases.
Eleven - -	Purposes of special tax.
Twelve - -	The Board to certify the sums necessary to be raised for the purposes of this Act.

Act and Section.	Marginal Note of Section.
Fourteen - -	Power to increase the special tax.
Fifteen - -	The special tax to be assessed with the three taxes in one instrument.
Sixteen - -	The three taxes and the special tax to be paid half-yearly and collected together.
Seventeen - -	Warrant of distress for the special tax.
Eighteen - -	Cesser of special tax.
Nineteen - -	Owners may elect to pay their rateable proportion of the moneys required for the purposes of the Act in one sum or by instalments.
Twenty - -	Voluntary redemption of special tax.
Twenty-one - -	Compulsory redemption of special tax.
Twenty-two - -	Redemption of part of the special tax.
Twenty-three - -	Certificates of exoneration from or redemption of the special tax.
Twenty-four - -	Registration of certificates of exoneration or redemption of the special tax.
Twenty-five - -	Application of redemption moneys.
PART III.	
<i>Middle Level Act, 1867.</i>	
Two - - -	Interpretation.
Five - - -	Provisions of Middle Level Acts as to making, &c. the three taxes applicable to the special tax.
Six - - -	Provisions of Middle Level Act, 1862, as to redemption of taxes applicable for purposes of Act.
Seven - - -	Provisions of Middle Level Acts as to mortgages and bonds applicable to purposes of Act.
Ten - - -	Occupiers may deduct taxes except in certain cases.
Twelve - - -	The Board to certify the sums necessary to be raised for the purposes of this Act.
Sixteen - - -	The three taxes and the special tax to be paid half-yearly and collected together.
Nineteen - - -	Owners may elect to pay their rateable proportion of the moneys required for the purposes of the Act in one sum or by instalments.
Twenty - - -	Voluntary redemption of special tax.
Twenty-one - - -	Compulsory redemption of the special tax.
Twenty-two - - -	Redemption of part of the special tax.
Twenty-three - - -	Certificates of exoneration from or redemption of the special tax.
Twenty-four - - -	Registration of certificates of exoneration or redemption of the special tax.
Twenty-five - - -	Application of redemption moneys.

A.D. 1874.

The FIFTH SCHEDULE.

FORM OF WARRANT OF DISTRESS.

WE, the Middle Level Commissioners, do hereby authorise and require you, and each of you, to enter into and upon all or any part of the lands and grounds mentioned or referred to in the schedule hereunder written, and into and upon all or any messuages and tenements standing thereon or belonging thereunto, with the appurtenances, and to levy the sums of money mentioned in the seventh column of the said schedule, the same being due for or in respect of taxes assessed by us upon the said lands and upon as the occupier [or owner] thereof, together with the sum mentioned in the eighth column of the said schedule, being the penalty incurred by or through default in payment of the said taxes at or within the time duly appointed in that behalf, by distress of any goods, chattels, or growing crops which shall be found on the said premises; and if sufficient distress in that behalf is not found in or upon the said premises, then we do hereby authorise and require you, and each of you, to levy the said taxes and penalty, or the deficiency thereof, by distress of any goods, chattels, or growing crops of the said

whensoever and wheresoever the same shall be found within the Middle Level, with the charges of levying the same, and the goods, chattels, and growing crops so distrained to impound on the premises on which the same are taken, or to take, lead, or drive, carry away and impound elsewhere, and the same to keep, sell, and deal with in all respects as a landlord is by law authorised to do in case of distress for rent on a common demise, and after paying the said moneys and the charges of taking, impounding, keeping, removing, appraising, and selling or dealing with the said goods, chattels, and growing crops, to pay the surplus (if any) to the person entitled thereto; and for so doing this shall be your sufficient authority.

Dated this day of

(L.S.)

[Or, Witness my hand

Clerk.]

To and }
and each of them.

1. Occu- pier or Owner assessed.	2. Owner.	3. Parish.	4. No. on Plan.	5. Con- tent.	6. Year for which Assess- ment made.	7. Amount of Taxes in Arrear.	8. Penalty.	9. Amount of Taxes and Penalty.
				A. B. P.	1873 1874			

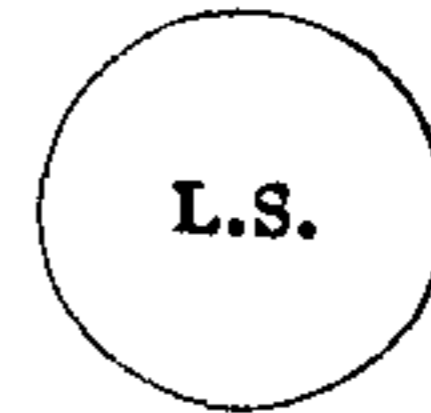
The SIXTH SCHEDULE.

A.D. 1874.

FORM OF CONVEYANCE OF LANDS SOLD BY THE COMMISSIONERS.

The Middle Level Commissioners, in consideration of the sum of pounds, paid to them by A.B. of _____, and by virtue and in pursuance of section _____ of the Middle Level Act, 1874, and by virtue of every estate, interest, and power vested in them or enabling them in this behalf, do hereby grant to the said A.B. and his heirs all [parcels] together with all ways, rights, and appurtenances thereto belonging, and all such estate, right, title, and interest in and to the same, as the Commissioners are seised or possessed of, or as they are by the said Act or otherwise empowered to convey, to hold the premises to the said A.B., his heirs and assigns, for ever: Provided always, that this grant shall operate subject to such terms respecting the fencing to be put up and maintained by the said A.B., his heirs and assigns, around all or part of the lands comprised in this grant as are indorsed on this grant; and it is hereby declared that the Commissioners by virtue of the said Act have imposed and do hereby impose the terms aforesaid.

In witness, &c.

A circular stamp containing the text "L.S." in a serif font, centered within the circle.

