



CHAPTER ccx.

An Act to amend the Acts relating to the Littleport and Downham District, and to provide for the making and maintaining of Roads in the said District; and for other purposes. A.D. 1878.
[22d July 1878.]

WHEREAS by an Act (in this Act called the Act of 1756) passed in the twenty-ninth year of the reign of King George the Second, chapter twenty-two, intituled "An Act for draining and preserving certain fen lands in the Isle of Ely and county of Norfolk, lying between the Hundred Foot River and the Ouse, and bounded on the south by the hard lands of Mepall, Wicham, Wentworth, Wichford, Ely, Downham, and Littleport, and for empowering the governor, bailiffs, and commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain lands lying within the limits aforesaid, commonly called Invested Lands," Commissioners were appointed for the purpose of making and maintaining drainage works in and for certain fen lands and low grounds in the Isle of Ely and county of Norfolk, comprising an area of about eighteen thousand acres, and herein-after referred to as the district, and were directed (section four) to hold half-yearly meetings on the last Wednesday in April and October in every year, and were empowered (section five) to make and maintain works (herein-after called Inner Works) for the drainage of the district, and (section eight) for those purposes at any of such meetings to lay on the owners and occupiers of all such lands and grounds as were not specifically exempted by the said Act (in this Act called Taxable Lands) a tax of not more than one shilling per acre, and were empowered (section sixteen) to borrow on the security of the said tax such sums as should be requisite for the purposes of the said Act:

And whereas by an Act (in this Act called the Act of 1800) passed in the fortieth year of the reign of King George the Third,
[Local.-210.] A 1. 39 & 40 G. 3.
c. 25 (Loc.
& Per.)

A.D. 1878. chapter twenty-six, intituled “ An Act to alter, explain, amend, and
— “ render more effectual an Act passed in the twenty-ninth year of
“ the reign of His late Majesty King George the Second, intituled
“ ‘ An Act for draining and preserving certain fen lands in the
“ Isle of Ely and county of Norfolk, lying between the Hundred
“ Foot River and the Ouse, and bounded on the south by the hard
“ lands of Mepall, Wicham, Wentworth, Wichford, Ely, Downham,
“ and Littleport, and for empowering the governor, bailiffs, and
“ commonalty of the Company of Conservators of the Great Level
“ of the Fens, commonly called Bedford Level, to sell certain lands
“ lying within the limits aforesaid, commonly called Invested
“ Lands,’ ” the provisions of the Act of 1756 with respect to the
appointment and qualification of Commissioners were repealed,
and it was by the Act now being recited provided to the following
effect; namely,

(Section 2.) That the lords and ladies of the several manors and
the rectors and vicars of the several parishes within the dis-
trict, or in the absence of such several persons respectively, the
steward or agent duly appointed of such person or persons so
absent should among other persons be Commissioners to put
the said Acts in execution ;

(Section 6.) That the Commissioners might lay on the owners
and occupiers of taxable lands an additional annual tax for
inner works not exceeding sixpence per acre ;

(Section 7.) That the Commissioners might at any meeting held
on the first Wednesday in April at the Shire Hall in Ely lay
on the owners and occupiers of all lands in the district, includ-
ing the lands specifically exempted by the Act of 1756, except
(section 34) such of those exempted lands as might be proved
to the satisfaction of the Commissioners not to have been
flooded since the year one thousand seven hundred and ninety-
four, an additional tax not exceeding sixpence per acre for the
making and maintaining certain works therein and herein-after
called Outer Works ;

(Section 18.) That the Commissioners might borrow to the extent
of two thousand pounds on the security of the said additional
tax of sixpence per acre for inner works ;

(Section 38.) That persons not properly scouring their dikes
should be liable to a penalty, and that the Commissioners
might scour the dikes of persons in default, and recover from
such persons the expenses thereof ; and

(Section 40.) That all meetings should be advertised for three
successive weeks in a county of Cambridge newspaper, and that

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notice of all intended new works and alterations of existing works should be so advertised, and that no act of the Commissioners should be valid unless done at a meeting held after such notice : A.D. 1878.

And whereas by an Act (in this Act called the Act of 1810) passed in the fiftieth year of the reign of King George the Third, chapter one hundred and ninety-four, intituled "An Act to alter, amend, and render more effectual two Acts of the twenty-ninth year of His late Majesty, and the fortieth year of His present Majesty, for draining and preserving certain fen lands in the Isle of Ely and county of Norfolk, lying between the Hundred Foot River and the Ouse, and bounded on the south by the hard lands of Mepall, Wicham, Wentworth, Wichford, Ely, Downham, and Littleport, and for empowering the governor, bailiffs, and commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain lands lying within the limits aforesaid, called Invested Lands," it was provided to the effect following ; namely, 50 G. 3. c.
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(Section 1.) That the Commissioners might lay an additional tax for inner works not exceeding one shilling and sixpence per acre on the owners and occupiers of taxable lands ;

(Section 2.) That the Commissioners might at any meeting held on the first Wednesday in April lay an additional tax not exceeding two shillings per acre on the owners and occupiers of lands assessable to the said tax for outer works ;

(Section 9.) That the Commissioners should give notice by advertisement for three successive weeks of any intended new works ;

(Section 18.) That the Commissioners might borrow to the extent of ten thousand pounds on the security of the said additional tax of one shilling and sixpence per acre for inner works, and to the extent of five thousand pounds on the security of the additional tax of two shillings per acre for outer works ; and (section 21) might borrow or re-borrow temporarily to any extent on the security of either of those said additional taxes ;

(Section 36.) That the district should be called "the Littleport and Downham District," and the Commissioners "the Commissioners for Littleport and Downham District ;" and

(Sections 33 to 35, 37 and 38, 40 to 50, 54 to 58, 60 and 61, all inclusive.) That for the purposes of certain works of interior drainage certain lands within the district should be embanked and divided into districts (in that Act and in this Act referred

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to as interior districts), and that Commissioners with qualifications varying in those different districts should be appointed to make and maintain such works with power to levy taxes therefor :

And whereas it is expedient that the provisions with respect to the qualification of the Commissioners be amended :

And whereas the holding of a meeting on the first as well as on the last Wednesday in April is inconvenient, and it is expedient that the meetings on the said first Wednesday be abolished :

And whereas it is expedient that the provisions now in force with respect to the giving of notices of new works and alterations of existing works of the Commissioners be amended :

And whereas it is expedient that the several taxes now authorised to be levied by the Commissioners for inner works and for outer works respectively be respectively consolidated, and that the limit of the amount of the tax for inner works be increased :

And whereas the Commissioners do not owe any money on mortgage, and it is expedient that their borrowing powers be consolidated and extended :

And whereas owing to the altered condition of the drainage of the district, arising from the substitution of steam power for wind power, the provisions of the Act of 1810 with respect to interior districts have fallen into abeyance, and it is expedient that the interior districts be abolished, and that the Commissioners be empowered to extend their system of drainage as they may think fit for the improving of the drainage of the areas included in those districts :

And whereas since the said interior districts have fallen into abeyance several private mills have been erected for the better draining of some of the lowest lands therein, and it is expedient that such mills and any future mills of the like kind be legalised, provided every such mill deliver its water into some one of the main drains of the Commissioners, and be situate not within twenty yards from such main drain :

And whereas it is expedient that the recited Acts be amended in divers other particulars :

And whereas there are in the district many roads and ways, not being public highways nor repairable by any person or persons *ratione tenuræ*, and for the repairing, improving, and maintaining of which no provision is made by law, by reason whereof such roads and ways remain in a state of disrepair, to the serious inconvenience of the persons using the same, and to the great prejudice of the general interests of agriculture in the district :

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And whereas it is expedient that facilities should be afforded and provision made for the improving and maintaining of existing and the making of new roads and ways in the district by the persons interested therein :

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And whereas it is expedient that provision be made for the sale of strips of such of the said roads as are now of greater width than would be requisite if the same were properly made, metalled, and repaired :

And whereas the objects aforesaid cannot be accomplished 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,)

1. This Act may be cited as the Littleport and Downham District Act, 1878, and the recited Acts may be respectively cited as follows :

Short titles of Act and of recited Acts.

The Act of 1756 as the Littleport and Downham District Act, 1756, the Act of 1800 as the Littleport and Downham District Act, 1800, and the Act of 1810 as the Littleport and Downham District Act, 1810.

2. The provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the promoters, and

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 16.

The following sections of the Commissioners Clauses Act, 1847 ; (that is to say,)

Section 38. (Manner of voting) ;

Section 49. (Power to Commissioners to appoint committees) ;

Section 50. (Quorum of committees) ;

Section 51. (Informalities in appointment of Commissioners not to invalidate proceedings) ;

so far as the same respectively are applicable for the purposes and are not varied by or inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act.

3. In this Act words and expressions to which meanings are assigned by or which have special meanings in enactments incorporated with this Act have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such meanings.

Interpretation of terms.

“The recited Acts” means the herein-before recited Acts :

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- “The district” means the Littleport and Downham District:
“The Commissioners” means the Commissioners for Littleport and Downham District:
“Meeting” includes any adjournment of such meeting:
“Roads” includes any occupation roads, fen droves, and cart roads not being public highways nor repairable by any person *ratione tenuræ*:
“Road district” means any district formed under Part II. of this Act:
“Road authority” means the road authority constituted for a road district under Part II. of this Act.

In the Commissioners Clauses Act, for such of the purposes of this Act as relate to the Commissioners,

“The Commissioners” means the Commissioners for Littleport and Downham District;
and for such of the purposes of this Act as relate to the making and maintaining of roads—

“The Commissioners” means the road authority for any road district:

“The undertaking” means the roads to be made or maintained.

In this Act and in any enactment incorporated therewith the expression—

“Court of competent jurisdiction” or any other like expression shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Limits of Act.

4. The limits of this Act shall be the district.

PART I.

Qualification of Commissioners.

5. With respect to the qualification of the Commissioners the following provisions shall from and after the passing of this Act have effect; (that is to say,)

1. The word “owner” shall include any person seized or possessed in right of his wife:
2. No person shall be qualified to act as a commissioner by reason of his being lord of any manor within the district, or the steward or agent of any such person, or the agent of the rector or vicar of any parish within the district:
3. Every corporation and body of commissioners, and the trustees and feoffees for charitable or other purposes, guardian, trustee, and committee of lunatics and idiots, being seized or possessed of or entitled to fifty acres of taxable lands may from time

to time appoint one person to act as a commissioner, and such person may or may not be a member or officer of the corporation, body, or persons who appoint him : A.D. 1878.

4. If two or more persons be joint owners in their own right of one hundred acres or upwards of taxable lands each of such persons shall be qualified to act as a commissioner : Provided such land, if divided by the number of joint owners, shall give fifty acres to each of them :

5. Every owner in his own right of three hundred acres or upwards of taxable lands shall be entitled from time to time to appoint one person who may act as a commissioner either in the absence or in the presence of such owner.

6. The meeting prescribed to be held on the first Wednesday in April in every year is hereby abolished, and all business, acts, matters, and things by the recited Acts, or any or either of them, prescribed to be transacted, done, or executed at such meeting may be transacted, done, or executed at the prescribed half-yearly meeting to be held on the last Wednesday in April. Alteration of day of meeting.

7. Section forty (meetings to be advertised three times in the Cambridge newspaper) of the Act of 1800 is hereby repealed, and the provisions of section nine (notice to be given when any new work is proposed to be made) of the Act of 1810 are hereby extended so as to include the alteration of any existing as well as the making of any new work. Repeal of s. 40 of 39 & 40 G. 3. c. 26. (*Loc. & Per.*) as to notice of alteration of existing works.

8. From and after the passing of this Act the said three separate taxes for inner works and the said two separate taxes for outer works shall cease to be laid, and in lieu thereof the Commissioners may, at their meeting on the last Wednesday in April in every year, lay both or either of the following taxes, and the following provisions shall have effect with respect thereto ; (that is to say,) As to taxes.

1. A tax not exceeding in any one year the sum of four shillings per acre, to be called the Inner Works Tax, and to be laid on the owners and occupiers of all lands liable to any tax for inner works :

2. A tax not exceeding in any one year the sum of two shillings and sixpence per acre, to be called the Outer Works Tax, and to be laid on the owners and occupiers of all lands liable to any tax for outer works :

3. The Inner Works Tax shall be laid for and be applicable only to the purposes of inner works :

4. The Outer Works Tax shall be laid for and be applicable only to the purposes of outer works :

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5. So long as any moneys shall be owing on the security of either of the said taxes the Commissioners shall lay a tax of not less than three fourths of the maximum amount of the tax on which such moneys are secured :
6. Either of the said taxes may be made prospectively in order to raise money to pay expenses to be incurred after the laying of such tax, or retrospectively in order to raise money to pay expenses incurred before the laying of such tax, whether before or after the passing of this Act, or partly prospectively and partly retrospectively, and may include the estimated costs of collecting and recovering the tax :
7. Each of the taxes shall be payable by half-yearly moieties on such days as the Commissioners shall appoint at the time of laying the same :
8. If any person fail to pay any amount due from him in respect of any tax the Commissioners may (but without prejudice, and in addition to any other remedy they may have in that behalf) recover the same in any court of competent jurisdiction :
9. The several provisions now in force of the recited Acts relating to the making, assessing, rating, taxing, charging, levying, paying, collecting, and recovering of taxes, and arrears of taxes, and the penalties for nonpayment of taxes, shall (subject to the provisions of this Act and to the exemption contained in section 14 of the Act of 1756 in favour of the poors lands therein mentioned) extend and apply mutatis mutandis to and in relation to the like matters in respect of the Inner Works Tax and the Outer Works Tax, and the arrears of those taxes respectively.

As to borrowing of moneys.

9. In lieu of the moneys which the Commissioners may from time to time borrow under the provisions of the recited Acts they may from time to time borrow and re-borrow on the following securities and for the following purposes any sum or sums not exceeding the following ; (that is to say,)

1. For the purposes of inner works, on the security of the Inner Works Tax, twenty thousand pounds :
2. For the purposes of outer works, on the security of the Outer Works Tax, ten thousand pounds :
3. The said sums respectively shall be borrowed and re-borrowed by means of terminable annuities for any period not exceeding forty years :
4. The Commissioners shall not be bound to see to the execution of any trust, whether express or implied or constructive, to

which any loan or security for loan given by them may be subject, but the receipt of the person in whose name any loan or security for loan stands in the register book of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof, notwithstanding any trusts to which such loan or security may be subject, and whether or not the Commissioners have had express or implied notice of any such trust, or of any charge, lien, or incumbrance upon or transfer of such loan or security, or any part thereof or interest thereon not entered on their register, and the Commissioners shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, misapplication, or non-application of any of such money : A.D. 1878.

5. A person lending money to the Commissioners 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, misapplication, or non-application of any of such money :
6. If any money be payable to a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Commissioners :
7. If within one month after any instalment of an annuity or any part thereof has become payable, and after demand thereof in writing it be not paid, the annuitant, without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction, may, if his debt alone amount to the sum of twenty pounds, or if his debt does not amount to that sum he may, in conjunction with other annuitants whose debts, being so in arrear, after demand as aforesaid, shall together with his debt amount to the said sum, require the appointment of a receiver by an application to be made as in this Act provided :
8. Every application for a receiver shall be made to two justices, and on such application such justices, by order in writing, after hearing the parties, may appoint some person to receive the whole or a competent part of the rates liable to the payment of such annuities, until the annuities in arrear and in respect whereof the receiver is appointed, and all costs, including the costs of receiving such rates, be fully paid, and upon such appointment being made all such rates shall be paid to and received by the person so appointed, who is hereby empowered to give good

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and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the several annuitants interested in the same, and shall be distributed by the receiver accordingly, and after all annuities in arrear and costs shall have been paid the power of the receiver shall cease :

9. The money borrowed under this Act shall be applied only for the purposes for which it was borrowed, and generally for objects to which capital money is properly applicable, and for no other purpose.

Separate accounts to be kept.

10. The Commissioners shall cause to be kept separate accounts of all receipts and disbursements for or on account of the Inner Works Tax and the Outer Works Tax respectively, and they may apportion between those accounts, as they think fit, any expenditure incurred for a purpose common to both.

Interior districts abolished and powers of Commissioners extended thereto.

11. From and after the passing of this Act the interior districts and the Commissioners therefor shall be and are hereby abolished, and the Commissioners may extend their system of drainage in such direction and manner as they may from time to time think fit for the improving of the drainage of those districts, and the provisions of section thirty-eight (penalty on neglect to scour ditches, &c.) of the Act of 1800 shall extend throughout the district.

As to mills for pumping water.

12. With respect to private mills the following provisions shall have effect ; that is to say,

1. Every mill erected before and subsisting at the passing of this Act at a distance of not less than twenty yards from, and for the purpose of pumping and delivering drainage water into, a main drain of the Commissioners may be continued and maintained :
2. Any landowner may from time to time erect and maintain any such new mill as shall be in accordance with the provisions of the last sub-section :
3. Any owner of lands drained by such mills as in the last sub-section mentioned, or the occupier of any such lands, may from time to time, with the consent of his landlord, make in such lands, or in the division or other ditches of such lands, such dams or headings as may be requisite to confine to such lands the exclusive use and benefit of the said mills, or to prevent or restrain the flow of water into the lower parts of such lands from any other parts thereof :
4. Any landowner, with the previous consent of the Commissioners, under the hand of their clerk and upon such terms and con-

ditions as they may impose, may from time to time erect and maintain any new mills for the purpose of pumping water into any ditch or drain not being a main drain of the Commissioners :

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5. Nothing in this section shall authorise the doing of or the consenting to any act or thing whereby any lands or persons may be injuriously affected :
6. If any difference arise as to whether or not any lands or persons be so injuriously affected, such question shall be determined by an engineer to be agreed on between the parties in difference, or in default of such agreement to be appointed, upon the application of either of such parties, by the President for the time being of the Institution of Civil Engineers, and the costs of the reference shall be borne as he shall direct.

PART II.

13. The provisions of this part of this Act (herein-after referred to as Part II.) shall extend and apply only to and in relation to the making and maintaining of roads.

As to making roads.

14. The word "owner" in Part II. means the person, corporation, or body for the time being entitled to receive the rackrent of the land in respect of which the word is used either on his or their own account, or as trustee for any other person or persons.

Meaning of "owner" in Part II.

15. Any two or more persons having a right of way either as owners or occupiers (or partly in the one right or partly in the other), or being otherwise interested in any road or roads, may by not less than ten days previous notice, to be given as herein-after prescribed, call a preliminary meeting of the owners interested in such road or roads to consider the expediency of taking proceedings for the adoption of Part II.

Preliminary meeting for adoption of Act.

16. The notice shall specify the time and place for holding the meeting, and the road or roads in respect of which it is to be held, and shall be sent to every owner at his usual place of residence or to his agent, and shall also be published by handbill affixed in some conspicuous manner upon the line of such road or roads, and on or near to the principal door of the parish church of the parish or parishes in which any part of such road or roads is or are situate.

Notice to be given of preliminary meeting.

17. Any such owner may attend and vote at the preliminary meeting either personally or by his deputy appointed by writing under his hand, and any such appointment may be in the form in the schedule to this Act, or to the like effect.

Voting in person or by deputy.

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Chairman to
be chosen by
meeting.

18. The meeting on its assembling shall choose one of its number to be chairman, and he, with the consent of the majority of owners present thereat personally or by deputy, may adjourn the meeting from time to time.

Deposit of
plan, &c.

19. If the preliminary meeting, by a majority of the votes of the owners so present as aforesaid, determine to proceed further towards the adoption of Part II., they shall cause to be prepared a plan showing the road or roads in question, and the lands the owners of which it is proposed to make to contribute to the making and repairs thereof, and a schedule of such lands with the names of such owners, and the quantity of such lands as nearly as can be ascertained according to the parish or tithe map and survey, and shall deposit a copy of such plan and schedule with the parish clerk of every parish in which any portion of such lands is situate, or if there be no parish clerk, then with the vestry clerk or a churchwarden of such parish.

Second
meeting.

20. The chairman of the preliminary meeting shall give notice in manner aforesaid of the deposit of the said plan and schedule, and in such notice shall call a second meeting of the owners of all the lands mentioned in the said schedule, to be held at a convenient time and place to be named in the notice, to determine whether Part II. shall be adopted or not.

Voting at
second meet-
ing.

21. At the second meeting a chairman shall be appointed by the majority of the owners so present as aforesaid and voting, and such chairman shall determine for the further purposes of the meeting the acreage of the lands mentioned in the said schedule.

As to resolu-
tion for
adoption of
Part II.

22. So soon as the said acreage has been determined the chairman shall propose a resolution for the adoption of Part II. Any amendment or amendments to omit any portion or portions of the said lands may be proposed, and the meeting shall decide whether Part II. shall be adopted or not, and whether all or what part or parts of the lands set forth in the said schedule shall be included within its operation, and the lands so included shall form a road district, and the meeting shall determine by what name the road district shall be known, and the chairman shall mark upon a copy of the said plan the boundary of such road district, and shall sign the same, and such plan shall be deposited with the clerk to the Commissioners for safe custody.

As to
majority
required.

23. No resolution for the adoption of Part II. of this Act shall be passed unless persons representing a majority of the whole acreage of the area to be included within the operation of such resolution be present at the said second meeting and vote for the

resolution, and, subject thereto, all questions at the said second meeting shall be determined by a majority in acreage of the owners so present as aforesaid: Provided, that no such owner shall vote in respect of any land not included in the operation or forming the subject-matter of the proposition to be determined by such votes.

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24. If the Act be adopted the following provisions shall have effect:

Proceedings
when Part
II. adopted.

1. The costs, charges, and expenses of and in relation to the proceedings for the adoption of Part II. shall be deemed expenses incurred in the execution of Part II.:
2. At the second meeting, or at any adjournment thereof, the owners so present and voting shall appoint a waywarden, who shall hold office until the first annual meeting of the road authority, and shall, subject to the provisions of this Act, have with respect to the roads and such road district the same powers and duties as any surveyor of highways:
3. The said chairman shall forthwith publish the resolution by which Part II. was adopted in a newspaper published and circulating in the county or counties in which the road district is situate, and shall also cause the same to be affixed on or near to the principal door of the parish church of every parish within which the road district lies, and thereupon the owners of lands lying within such road district shall (subject to the provisions of Part II.) be liable to the maintenance of the roads therein in the same manner as the inhabitants of any parish are liable to the maintenance of the public highways thereof, and the owners within such road district shall be the road authority thereof:
4. The waywarden shall forthwith prepare a report setting forth all the roads in the road district, stating their width and condition and the manner in which they should be repaired, and whether the same, or any or either of them, or any part or parts thereof respectively, can be narrowed, straightened, or altered, and such report shall be submitted to some adjournment of the second meeting, or to the next annual or to a special meeting of the road authority, who shall give such directions with respect thereto as they may think fit:
5. The road authority shall hold an annual meeting on such day, within fourteen days next after the sixth day of April in every year, as shall be fixed by the waywarden, and notice thereof shall be given in the manner herein-after prescribed for the convening of a special meeting, and all business

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other than that to be transacted at a special meeting, shall be transacted at the annual meeting, and the waywarden for the ensuing year shall be then appointed :

6. A special meeting of the road authority may be called from time to time by the waywarden, or by any two members of the road authority, by circular addressed to every owner within the road district, or his agent or deputy, and sent by post seven clear days before the holding of such meeting.

Powers of
road autho-
rity.

25. The road authority may from time to time within the road district for which they act do all or any of the following acts or things :

1. They may make and maintain new roads :
2. They may form and make, repair, and keep up roads, and may metal, gravel, and fence off the same, and make and maintain footpaths upon or along the side of any roads :
3. They may dig, clamp, and burn any clay or other materials found or being in, under, by the side of, or upon any road, and suitable to the forming or making of permanent roads :
4. They may close any road not in their opinion required for the purpose of any lands within the road district :
5. The road authority on the one hand, and the road authority of any other road district on the other hand, may enter into and carry into effect agreements for the making and maintaining of new roads, and the forming, repairing, altering, narrowing, straightening, and maintaining any existing road, upon and for such payments, terms, and conditions as they may think fit :
6. Any road authority on the one hand, and the vestry of any parish within which any road or part of a road within the district of such road authority shall be situate on the other hand, may enter into and carry into effect agreements for and with respect to the acceptance by such vestry of such road, or any part or parts thereof situate within such parish as a public highway, upon such terms and conditions as they think fit :
7. They may, by agreement, purchase lands or materials for the making of new roads, the shortening or straightening of any road, or the connecting of any road with any other road within or without the district :

8. They may (subject to any existing rights of pasturage) authorise the owners whose lands abut on any road which may be closed under the powers of this Act, or on any plot or plots of land at the side of any road or roads, which plot or plots may not be required for the purposes thereof, to enclose and annex to their lands so abutting such plot or plots in consideration of such payments, and upon such terms and conditions as the road authority may think fit: A.D. 1878.
9. They may let (subject to any existing rights of pasturage) any herbage on or by the side of any road repaired wholly or in part by them.

26. Any such vestry entering into any agreement with the road authority under the powers in that behalf in Part II. may pay or cause to be paid out of their highway rates such sums of money, costs, and expenses as may be necessary for carrying into effect any such agreement. Vestry may levy rates.

27. All money payable to the road authority shall be carried to the credit of an account called the Road District Fund, out of which all the expenses of and in relation to the road district shall be paid, and in order to defray any such expenses which that fund is insufficient to meet a road district rate shall be made and levied upon the lands lying within the road district, according to their acreage, in conformity with the following provisions; (that is to say)

Road District Fund and rates.

1. The road authority at the annual meeting shall yearly determine the amount of rate, if any, to be made for the ensuing year, and whether any, and, if any, what lands shall be wholly or partially exempt therefrom, and the waywarden shall make and levy such rate accordingly, and every such rate shall be open to inspection by any owner of land within the road district at all reasonable hours without fee:
2. Every road district rate shall be payable by and may be recovered from the occupier of the land in respect of which it is owing, and such occupier so paying may deduct and retain the amount he may pay under this enactment from the rent from time to time due or becoming due to the owner of such land, who shall allow the same as though it had been actually paid to him as part of the said rent: Provided that (unless such occupier refuse to disclose the amount of rent so due from him) he shall not be required to pay any greater sum than the amount of rent for the time being due from him or which shall become payable after demand of such rate from and after notice not to pay to his landlord

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any rent, without first deducting the amount of the said rate :
Provided also, that nothing herein contained shall affect any
contract between a landlord and tenant :

3. Subject as aforesaid, the provisions for the time being in force
for the recovery of highway rates shall extend and apply to
road district rates.

Power to
road autho-
rity to
borrow.

28. The road authority may, from time to time, borrow on the
security of the road district rates any sum or sums not exceeding
in the whole the sum of eight hundred pounds for every mile of
new road which the road authority shall make and metal, and for
every mile of road they shall convert into a metalled road within
such road district, and the provisions for the time being in force
with respect to the borrowing of money by the Commissioners and
the repayment of such money shall extend and apply mutatis
mutandis to the like matters in respect of the moneys borrowed by
the road authority.

Accounts to
be kept.

29. The road authority shall cause accounts to be kept of all
receipts and disbursements under the powers of Part II., and such
accounts shall be made up annually to Lady-day, and be presented
to and passed at the annual meeting of the road authority held in
every year, and a copy thereof shall be deposited with the clerk to
the Commissioners, and shall be open to the inspection of every
owner of land within the road district at all reasonable hours
without fee.

Voting in
person or by
deputy.

30. Any owner may attend and vote at any meeting of the road
authority either personally or by his deputy appointed by writing
under his hand, and any such appointment may be in the form in
the schedule to this Act, or to the like effect.

Waywarden
may be sum-
moned for
non-repair.

31. If any road in the road district be out of repair, any owner
of land therein may summon the waywarden thereof before the
justices, who may deal with him as they may deal with any surveyor
of highways for the non-repair of any public highway under his
charge, or such owner may prefer an indictment against the road
authority in the like circumstances in which any person may prefer
an indictment against the inhabitants of a parish in which any
public highway is out of repair, and under and according to the like
provisions as are for the time being in force in that behalf.

Roads in
more than
one petty
sessional
division, &c.

32. If any road district be in two or more petty sessional divi-
sions, or two or more counties or county court districts, the road
district shall for the purpose of the recovery of any road district
rates and any summons or indictment for non-repair be deemed to

be in the jurisdiction of any or either of such divisions, counties, or county court districts. A.D. 1878.

PART III.

33. Nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, diminish, alter, or take away any of the rights, powers, or authorities vested in the governor, bailiffs, and commonalty of the Company of Conservators of the Great Level of the Fens, called Bedford Level, or in the said governor, bailiffs, and conservators by virtue of an Act made in the fifteenth year of the reign of King Charles the Second, intituled "An Act for settling Preserving
rights of the
Corporation
of Bedford
Level.
15 Car. 2.
c. 17." "the draining of the Great Level of the Fens, called Bedford Level," or by virtue of any other Act or Statute whatsoever, but all rights, powers, and authorities whatsoever which by virtue of the said Act of the fifteenth year of King Charles the Second, or of any other Act or Statute whatsoever, now are vested in the said governor, bailiffs, and commonalty, or in the said governor, bailiffs, and conservators, or any of them, shall for ever hereafter remain, continue, and be in the said governor, bailiffs, and commonalty, and in the said governor, bailiffs, and conservators, and every of them, as fully and amply to all intents and purposes as if this Act had never been made.

34. All the costs, charges, and expenses of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Commissioners out of the first moneys which come to their hands. Expenses of
Act.

A.D. 1878.

The SCHEDULE.

LITTLEPORT AND DOWNHAM DISTRICT ACT, 1878.

I, *A.B.*, of _____, being the owner of lands in the Littleport and Downham District, do hereby appoint *C.D.* of _____ to attend and vote for me in my absence at any meeting to be held under the provisions of Part II. of the above-named Act, and this appointment shall hold good until revoked in writing under my hand.

Dated this _____ day of _____

N.M.