CHAPTER iv.

An Act for making better provision respecting the borrowing of Money by the Commissioners of Sewers of the City of London, and the repayment thereof; and for other purposes. [22d April 1875.]

A.D. 1875.

WHEREAS by the City of London Sewers Act, 1848, the Commissioners of Sewers of the City of London are empowered to borrow, on the credit of the consolidated rate thereby authorised, money necessary for defraying the expenses incurred by them in the sewerage and drainage of the city, and in carrying improvements within the city, and the other purposes of that Act, into effect, and to mortgage the consolidated rate as security for repayment of the money so borrowed, with interest; and by the same Act provision is made for creation of a sinking fund to pay off the principal money so borrowed, and for other matters connected with mortgages of that rate:

11 & 12 Vict. c. clxiii.

And whereas it is expedient that better provision be made respecting the borrowing of money by the Commissioners on the security of the consolidated rate, and the repayment thereof, but the same cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as The Commissioners of Sewers of the City of London Act, 1875.

Interpretation.

2. In this Act—

"The city" means the city of London and the liberties thereof, including such streets, parts of streets, courts, alleys, precincts, and places as are included therein for the purposes of the City of London Sewers Act, 1848:

A.D. 1875.

"The Commissioners" means the Commissioners of Sewers of the city:

"The consolidated rate" means the rate so designated in the City of London Sewers Act, 1848, and thereby authorised.

Power to borrow under this Act on security of consolidated rate.

3. The Commissioners may from time to time borrow at interest according and subject to the provisions of this Act, on the credit and security of the consolidated rate, such sums of money as they deem necessary, not exceeding in the whole five hundred thousand pounds, for defraying the expenses incurred by them in the sewerage and drainage of the city, and in carrying into effect such improvements in the city as they are authorised to make, and in executing the other provisions of the City of London Sewers Act, 1848, and all other expenses under that Act not expressly charged on the sewer rate thereby authorised, and may mortgage the consolidated rate to secure repayment thereof, with interest, accordingly.

Form of mortgage.

4. Every mortgage made by the Commissioners shall be by deed, duly stamped, and truly stating the consideration, and under the hands and seals of seven of the Commissioners, and may contain such stipulations as the Commissioners and the lender agree on; but, unless it is in any case otherwise therein stipulated, all the mortgages of the Commissioners under this Act shall rank together, without priority on account of the date of the deed, or on any other account.

Coupons for interest on mortgages.

5. The Commissioners may from time to time, if they think fit, issue to holders of their mortgages coupons for the interest from time to time to fall due thereon, in such form as the Commissioners think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half-year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Commissioners (which authorisation shall be presumed until the contrary is shown); and on presentation to the Chamberlain of the city of a coupon due, he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable, and on audit of the Chamberlain's accounts the coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the Chamberlain shall not be bound to make any payment of interest beyond the amount of the money of the Commissioners then in his hands and applicable in that behalf.

Power to create debenture stock.

6. For enabling the Commissioners in respect of loans on the consolidated rate to substitute a continuing stock for renewable mortgages in the ordinary form, the following provisions shall have effect; (that is to say,)

(1.) The Commissioners may raise any money borrowed by them under this Act by creation and issue at such times, in such amounts and manner, at such price, on such terms, subject to such conditions, and with such rights and privileges as they think fit, a stock called the Commissioners of Sewers of the City of London Debenture Stock, charged on the consolidated rate, bearing interest payable half-yearly or otherwise, and redeemable (at the option of the Commissioners) at par at such times and on such conditions as the Commissioners declare at the creation thereof:

(2.) The debenture stock shall have all the incidents of personal estate:

(3.) The Commissioners shall cause entries of the debenture stock from time to time issued by them to be made in a register, with the names and addresses of the holders and the amounts of their holdings:

(4.) The register shall be accessible for inspection at all reasonable times to mortgagees and holders of debenture stock of the Commissioners, without charge:

(5.) The Commissioners shall deliver to each holder of debenture stock a certificate stating the amount held by him:

(6.) Debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Commissioners, other than the right to require payment of the principal money represented by the debenture stock:

(7.) The interest of debenture stock of the Commissioners shall rank after the interest on the principal of all mortgages on the consolidated rate granted by them before and subsisting at the passing of this Act, and shall rank equally with the interest, but before the principal, of all mortgages thereon granted by them after the passing of this Act.

Power for trustees to take debenture stock.

7. A trustee, executor, or other person empowered to invest money on the mortgages of the Commissioners may, unless forbidden by the will or other instrument under which he acts, whether prior in date to this Act or not, invest the same on debenture stock of the Commissioners.

Payment off of mortgages and deben-

8. All money borrowed by the Commissioners on mortgage or debenture stock under this Act shall be paid off by them within

ture stock by instalments or sinking fund.

sixty years from the time of borrowing, by half-yearly or yearly instalments, of not less in any one year than one-sixtieth part of the moneys borrowed.

Power to re-borrow.

9. If the Commissioners pay off any part of any money borrowed by them under this Act otherwise than by half-yearly or yearly instalments, they may re-borrow the same, and so from time to time, but all money so re-borrowed shall be paid off within the time within which the money originally borrowed is by this Act required to be paid off.

Rate not to exceed 1*s.* 6*d.* in the pound as limited by 11 & 12 Vict. c. clxiii.

10. Nothing in this Act shall empower the Commissioners in any one year to make a larger consolidated rate than one shilling and sixpence in the pound, as limited by the City of London Sewers Act, 1848.

Protection of lenders from inquiry.

11. A person lending money to the Commissioners shall not be bound or entitled to inquire respecting the observance by them of any provision of this Act, or be bound to see to the application or be answerable for loss or non-application of any money lent by him.

Saving for existing charges.

12. Nothing in this Act shall prejudicially affect any charge on the consolidated rate, by way of mortgage, annuity, or otherwise, subsisting at the passing of this Act, and every mortgagee, annuitant, incumbrancer, or other person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the consolidated rate as if this Act had not been passed.

Expenses of Act.

13. 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 shall be paid by the Commissioners out of the consolidated rate.

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