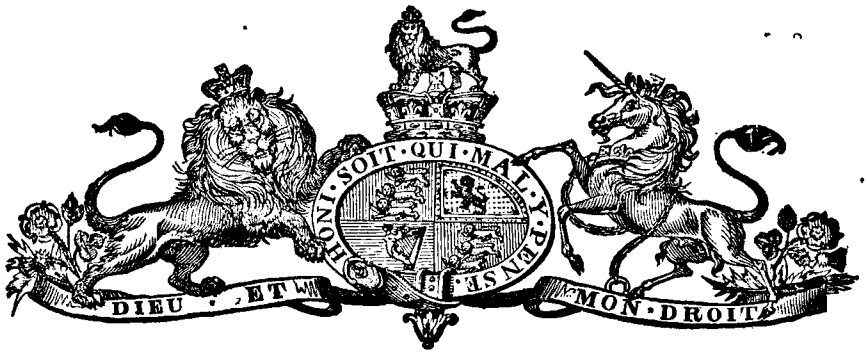


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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City of London. Year of the Reign of King *George* the Third, intituled *An Act for consolidating, extending, and rendering more effectual the Powers*
11 G. 3. c. 29. *granted by several Acts of Parliament for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers within the City of* London *and Liberties thereof, and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing and removing Obstructions and Annoy-*
33 G. 3. c. 75. *ances within the same;* and an Act was passed in the Thirty-third Year of the same Reign, to explain, amend, and render more effectual
4 G. 4. c. cxiv. the said last-mentioned Act; and an Act was passed in the Fourth Year of the Reign of King *George* the Fourth, for altering and amending the said Two last-mentioned Acts; and by virtue of the said Acts the sole Power of ordering, designing, making, enlarging, widening, deepening, raising, altering, removing, repairing, cleansing, and scouring of all Common Sewers, Drains, and Vaults, and of paving, cleansing, and lighting the several Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places within the said City of *London* and Liberties thereof, is vested in the Mayor and Commonalty and Citizens of the said City; and the Persons who by the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, are from Time to Time nominated, and, under the Common Seal of the said Mayor and Commonalty and Citizens, appointed for that Purpose, together with the Recorder and Common Serjeant of the said City for the Time being, are Commissioners for carrying the said Acts into execution, and are herein-after referred to as the Commissioners of Sewers of the City of *London*: And whereas by an Act passed in the Fifth Year of the Reign of King *George*
5 G. 4. c. 100. the Fourth, intituled *An Act for more effectually paving, lighting, watching, cleansing, and regulating the* Regent's Park, *together with the new Street from the* Regent's Park *to* Pall Mall, *and the new Streets and Improvements in the Neighbourhood of* Parliament Street *and* Privy Gardens, *and for maintaining a convenient Sewage for the same,* the Commissioners for executing that Act are appointed Commissioners of Sewers for maintaining and keeping in repair the principal or Common Sewer extending from the *Regent's Park* aforesaid to *Charing Cross,* and from thence to the River *Thames,* and other Drains, Watercourses, and Communications under the Authorities and Provisions therein contained, and the Powers of such Commissioners have been extended by other Acts of Parliament: And whereas an Act was passed in the Third and Fourth Years of
3 & 4 W. 4. c. 22. the Reign of King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers,* and the said Act was amended by
4 & 5 Vict. c. 45. an Act of the Fourth and Fifth Years of the Reign of Her present Majesty; but the said Acts contain Savings which exclude the Commissioners of Sewers of the City of *London,* and the Commissioners for executing the said Act of the Fifth Year of King *George* the Fourth, and certain of the Commissions herein-before mentioned, wholly or in part from the Operation of such Acts: And whereas it is expedient that the Districts comprised within the Limits of the several Commissions of Sewers herein-before mentioned, and the Parts subject to the Jurisdiction of the said Commissioners of Sewers appointed under the said Act of the Fifth Year of King

George the Fourth, with such other Places herein-after mentioned as it may be convenient for Drainage Purposes to annex thereto, should be subject to the Jurisdiction of One Commission of Sewers, and that the Powers vested in the said several Commissions of Sewers, and the Commissioners lastly herein-before mentioned, should be amended, and should be exercised by such One Commission, subject to the Provisions of this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to cause to be issued from Time to Time under the Great Seal of the United Kingdom of *Great Britain* and *Ireland* One Commission of Sewers for the City and Liberties of *Westminster* and the Borough of *Southwark*, and all Parts within the Limits mentioned in the said several Commissions bearing Date the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, and the Parts subject to the Jurisdiction of the Commissioners acting in execution of the said Act of the Fifth Year of King *George* the Fourth, and such other Places or Parts in the Counties of *Middlesex*, *Surrey*, *Essex*, and *Kent*, or any of them, being not more than Twelve Miles distant in a straight Line from *Saint Paul's* Cathedral in the City of *London*, but not being within the City of *London* or the Liberties thereof, as shall from Time to Time be named in such Commission, or comprised within the Limits therein, or in any Map which may be annexed to such Commission, and taken as Part thereof, described or set forth; and no Place or Part comprised within such Limits shall be exempt from the Jurisdiction of the Commissioners by reason of the same being extra-parochial, or being beyond the Ebb or Flow of the Tide, or by reason of any other Exemption or supposed Exemption from the general Law of Sewers previously to the passing of this Act.

Constitution, &c. of Commission.

Power to Her Majesty to cause to be issued One Commission of Sewers for the Metropolitan Districts.

II. And be it enacted, That every Commission to be issued under this Act shall continue in force for the Term of Two Years next ensuing the Date thereof, notwithstanding any Demise of the Crown, unless determined by reason of any new Commission or by Writ of Supersedeas; and all Bye Laws, Decrees, and Acts made or done by any Court of Sewers during the Continuance and by virtue of any such Commission shall, notwithstanding the Expiration or Determination of the Commission under which such Bye Laws, Decrees, and Acts shall have been made or done, continue to have the same Force and Effect as if such Commission had not expired or determined.

Duration of Commission.

Bye Laws, &c. to continue in force after Expiration of Commission.

III. And be it enacted, That the Commissioners who shall be from Time to Time named in such Commission, together with such other Persons as shall be from Time to Time Commissioners for the Purposes of this Act under the Provisions herein contained, shall be styled "The Metropolitan Commissioners of Sewers."

Style of Commissioners.

IV. And be it enacted, That the Lord Mayor of the City of *London* for the Time being shall by virtue of his Office be a Commissioner;

Lord Mayor and Four Persons, being Mem-

bers of the Common Council, to be appointed Commissioners under this Act.

missioner; and the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, shall, with all convenient Speed after the issuing of every Commission under this Act, appoint Four Persons, being Members of the Court of Aldermen or of the Common Council, to be Commissioners; and so often as any Person so appointed shall die, resign, or, under the Provisions herein-after contained, cease to be a Commissioner, it shall be lawful for the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, in like Manner to appoint a Person, being a Member of the Court of Aldermen or of the Common Council, to be a Commissioner in the Place of the Commissioner so dying, resigning, or ceasing to be a Commissioner; and every Appointment of such Persons and Person as aforesaid shall be certified under the Common Seal of the Mayor and Commonalty and Citizens of the said City to the Metropolitan Commissioners of Sewers; and the said Lord Mayor, and the Persons for the Time being appointed as aforesaid, shall, at the Courts and in respect of the Matters at and on which they are authorized to sit and vote under this Act, have the same Powers and be subject to the same Provisions as if they had been named in the Commission.

Commissioners may act during Vacancies.

V. Provided always, and be it enacted, That the Commissioners for the Time being may continue to act notwithstanding any Vacancy in or Nonappointment of the Persons hereby authorized to be appointed by the said Mayor, Aldermen, and Commons, and notwithstanding any Vacancy or Vacancies by any Means in the Commission.

Disqualifications of Commissioners.

VI. And be it enacted, That in case any Commissioner named in any Commission under this Act, or appointed by the said Mayor, Aldermen, and Commons, shall be declared bankrupt, or shall apply to take the Benefit of or shall become subject to any Act for the Relief of Insolvent Debtors, or shall compound with his Creditors, or if any Commissioner shall accept or hold any Office under the Commissioners, or in any Manner be concerned or interested in any Contract or Work made with or executed for the Commissioners, or, being appointed by the Mayor, Aldermen, and Commons, shall cease to be a Member of the Court of Aldermen or of the Common Council, then and in every such Case such Person shall, except in the Case next herein-after provided, cease to be a Commissioner; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament, or by Charter, shall be disabled from continuing or acting as a Commissioner by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company, but no such Commissioner shall vote upon any Question in which such Company is interested; and any Person who shall act as a Commissioner after ceasing to be a Commissioner as aforesaid, or any Commissioner, being a Shareholder in any such Joint Stock Company, who shall vote upon any Question in which such Company is interested, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt: Provided always, that all Acts and Proceedings of

of any Person ceasing to be a Commissioner or disabled as aforesaid shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes whatsoever.

Transfer of Property, Rights, Liabilities, &c. of former Commissions to Commissions under this Act.

VII. And be it enacted, That upon the issuing of the First Commission under this Act the said several Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven shall determine; and all Lands, Buildings, Works, and Hereditaments, Utensils, Materials, Books, Plans, Maps, Papers, Effects, Monies, Securities, and other Property, which shall then be vested in or held in trust for the Commissioners of Sewers under such several Commissions, or which would have been vested in or held in trust for such Commissioners in case such several Commissions had not determined, for all such Estate and Interest of and in the same respectively as shall then be or would have been in or in trust for such last-mentioned Commissioners or any of them, and all Sewers vested in or under the Management of such last-mentioned Commissioners and the Commissioners acting in execution of the said Act of the Fifth Year of King *George* the Fourth respectively, with all Rights of Way and Passage now used and enjoyed by such respective Commissioners over and to such respective Sewers, shall be vested in the Metropolitan Commissioners of Sewers; and all Persons who shall then owe any Money to the Commissioners of Sewers under the said Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, or to any Person on behalf of such Commissioners, shall pay the same to the Metropolitan Commissioners of Sewers, or as they shall direct; and all Monies which shall be then due and owing by or recoverable from the Commissioners under the said last-mentioned Commissions or any of them shall be paid by or recoverable from the Metropolitan Commissioners of Sewers; and all Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the issuing of the First Commission under this Act, to, with, or in favour of, or by or for the Commissioners under the said Commissions, which will be determined by the issuing of such Commission, or under the previous Commissions of Sewers for the same Limits or any of them, or any Person on behalf of such Commissioners respectively, shall take effect, and may be proceeded on and enforced, as near as Circumstances will admit, in favour of, by, against, and with reference to the Metropolitan Commissioners of Sewers, in such Manner as the same would have taken effect and might have been proceeded on and enforced in favour of, by, against, and with reference to the Commissioners under the Commissions so determined, or any of them, if this Act had not been passed, and such determined Commissions had continued in full Force; and all Sewers which the Metropolitan Commissioners of Sewers shall from Time to Time make within the Limits of their Commission, and all other Sewers made and to be made within such Limits, except Sewers made or to be made by any Person or Persons for his or their own Profit, or for the Profit of Proprietors or Shareholders, and the Materials and Works belonging to such respective Sewers, shall be vested in such Commissioners.

Property of Sewers, &c. vested in Commissioners.

Transfer of Debts and Liabilities to Metropolitan Commissioners of Sewers.

Transfer of Property, Rights, Liabilities, &c. of former Commissions to Commissions under this Act.

Actions, &c. not to abate, but to continue for or against Metropolitan Commissioners.

VIII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced or carried on either by or against the Commissioners under the said Commissions bearing Date respectively the Thirtieth Day of *November* and Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, previously to the issuing of the First Commission under this Act, shall abate or be discontinued or prejudicially affected by the Determination of such first-mentioned Commissions, but shall continue and take effect both in favour of and against the Metropolitan Commissioners of Sewers, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners under the Commissions so determined, or any of them, if this Act had not been passed, and such determined Commissions had continued in full Force; and all Decrees and Orders made, and all Fines, Amerciaments, and Penalties imposed and incurred respectively previously to the issuing of such First Commission, shall and may be enforced, levied, recovered, and proceeded for, and all Presentments and administrative Proceedings commenced previously to the issuing of such first Commission shall and may be continued, proceeded with, and completed, in such or the like Manner as if this Act had not been passed, the Metropolitan Commissioners of Sewers being, in reference to the Matters aforesaid, in all respects substituted in the Place of the Commissioners under the respective Commissions so determined.

Rates made under former Commission to be recoverable under this Act.

IX. And be it enacted, That all Rates which shall have been made or re-enacted by the Commissioners under the said Commissions bearing Date respectively the Thirtieth Day of *November* and the Fourth Day of *December* One thousand eight hundred and forty-seven, or any of them, previously to the issuing of the First Commission under this Act, or so much thereof as shall not have been levied and paid, shall be paid to and levied by the Commissioners under this Act; and such Commissioners shall have the same Rights and Remedies in all respects in relation thereto as would have been had and might have been exercised by the Commissioners by whom such Rates shall have been made in case their respective Commissions had not been determined; and all such Rates respectively shall, so far as Circumstances will admit, be applied to the same Purposes as the same would have been applicable to in case such first-mentioned Commissions had not determined.

Officers under former Commissions to continue until removed.

X. And be it enacted, That every Clerk, Surveyor, Collector, and other Officer appointed by virtue of or acting under the Authority of the Commissions which will be determined by the issuing of the First Commission under this Act, or any of them, and not acting contrary to the Provisions of this Act, shall hold and enjoy his Office and Employment, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom; and every such Clerk, Surveyor, Collector, and Officer shall have the like Power and Authority, for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the Provisions of this

this Act, and the Bye Laws of the Commissioners, in all respects as if he had been appointed by virtue of this Act.

Courts, Proceedings thereat, &c.

Courts of Six or more Commissioners to exercise Powers of Act.

XI. And be it enacted, That such of the Commissioners as shall be present at any Court of Sewers, or the Majority of them, the whole Number present not being less than Six, may exercise and perform all the Powers, Authorities, and Duties by this Act or otherwise vested in the Commissioners.

Lord Mayor and Persons appointed by Common Council may vote on Questions affecting the City of London;

XII. Provided always, and be it enacted, That it shall be lawful for the Lord Mayor of the City of *London*, and the said Persons for the Time being appointed as aforesaid by the said Mayor, Aldermen, and Commons, to sit and vote at all Courts of Sewers upon all Questions relative to the Exercise of the Powers hereby given to the Commissioners of directing any Sewer to be deepened or enlarged within the City of *London* and the Liberties thereof, and any Sewer to be made within such City and Liberties, and any other Work to be done in relation to Sewers within such City and Liberties, and settling, ascertaining, and assessing the Amount of Expenses, or the Portion or Residue of Expenses, to be borne or paid by the City of *London* under this Act; and no such Question as aforesaid shall be discussed or decided except at a Special Court, of which and of the Object of which Notice shall be given in manner herein-after provided; and the said Lord Mayor, and the said Persons for the Time being appointed as aforesaid, shall not sit or vote at any Court of Sewers, or exercise the other Powers of Commissioners under this Act, except as aforesaid.

such Questions to be discussed only at Special Courts, and Notice to be given thereof.

Appointment of Chairman of Courts.

XIII. And be it enacted, That a Chairman shall be appointed at each Court of Sewers; and if any Difference shall arise upon the Choice of a Chairman at any Court, such Chairman shall be chosen by the Majority of Commissioners present thereat; and in case there be an equal Number of Votes upon such Choice, then, except in the Case herein-after mentioned, the Person proposed whose Name shall stand first in the Commission shall be the Chairman; but in case the Lord Mayor of the City of *London* shall be present and authorized to sit and vote at such Court under the Provisions of this Act, and shall be One of the Persons proposed, then the said Lord Mayor shall be Chairman.

Questions to be decided by Majority of Votes.

XIV. And be it enacted, That at all Courts of Sewers the Questions there considered shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes upon any Question, the Chairman at such Court shall, in addition to his own Vote as a Commissioner, have a second or casting Vote.

Provision for Commissioners holding their First Court.

XV. And be it enacted, That the Commissioners shall hold their First Court at such Time and Place as shall be directed in the Commission in this Behalf, and if a Time or Place respectively shall not be appointed therein, then at the Court House of the Commissioners under the said Commission for *Westminster* and Part of *Middlesex*, on

Courts, Proceedings thereat, &c.

on the First *Wednesday* after the issuing of the Commission under this Act, at One of the Clock in the Afternoon.

Monthly Courts may be held.

XVI. And be it enacted, That the Commissioners may hold Monthly Courts for the Purposes of this Act, and may from Time to Time fix the Day and Hour for holding such Courts; and upon any such Day and Hour being fixed the Commissioners for the Time being are required to attend such Courts without any Notice.

No extraordinary Business to be discussed at Monthly Courts unless Notice given.

XVII. And be it enacted, That no new Laws shall be adopted nor any extraordinary Business discussed at the Monthly Courts, unless due Notice thereof shall have been given at a prior Court, and the Subject of such Business notified to each Commissioner by means of written or printed Notices delivered or sent in the Manner herein provided.

Power to hold Special Courts.

XVIII. And be it enacted, That it shall be lawful for the Commissioners to hold Special Courts; and every such Special Court shall be convened by the Clerk, upon a Requisition in Writing to the Clerk by any Three or more of the Commissioners, in which shall be specified the Time, Place, and Objects of such Court; but, except in Cases of Emergency, no such Court shall be held unless Notice thereof shall be given to each Commissioner in manner herein provided.

As to the Adjournment of Courts.

XIX. And be it enacted, That any Court of Sewers to be holden under the Authority of this Act may adjourn from Time to Time to such Day and Hour, and to the same or any other Place, as such Court may think fit; and if there shall not be Six Commissioners present within One Hour after the Time appointed for holding any Court of Sewers, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, or for the Clerk if no Commissioner be present, to adjourn such Court in manner aforesaid; and Notice of every adjourned Court, and of the Objects or Business thereof (where Notice of such Objects or Business would be required in the Case of an original Court), shall be given in manner herein provided.

Notices for holding of Courts to be given.

XX. And be it enacted, That Two Days at the least before the holding of each Court of which or of the Objects or Business of which Notice is hereby required to be given a Notice specifying the Time and Place of holding such Court, and the Objects or Business thereof (where Notice of such Objects or Business is hereby required to be given), shall be delivered to each Commissioner personally, or left at his Place of Abode, or transmitted through the Post Office to him; and where Notice is hereby required to be given to the said Lord Mayor, and the Persons appointed by the said Mayor, Aldermen, and Commons, the like Notice shall be delivered to the Chamberlain of the City of *London* personally, or left at his Office.

Power for Commissioners to

XXI. And be it enacted, That it shall be lawful for the Commissioners present at any Court to appoint a Committee for any Purposes which

which in the Discretion of the Commissioners would be better regulated and managed by means of such Committee, and to fix the Quorum of such Committee, and at any Court to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be from Time to Time submitted to a Court of Sewers for their Approval. appoint Committee.

XXII. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members (if any) fixed by the Commissioners, or if no Quorum be fixed Three Members of the Committee, be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman; and all Questions at any Meetings of the Committee shall be determined by the Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a second or casting Vote. Powers of Committee.

XXIII. And be it enacted, That it shall be lawful for the Commissioners present at any Court to appoint One or Two Commissioners to investigate any Accounts, or to direct or superintend any Work or Operation which may be conveniently directed or superintended by One or Two Commissioners: Provided always, that the Acts of the Commissioner or Commissioners so appointed shall be from Time to Time submitted to a Court of Sewers for their Approval. Commissioners to investigate Accounts or superintend Works, whose Acts to be approved by Court of Sewers.

XXIV. And be it enacted, That the Clerk of the Commissioners shall keep the Record of their Proceedings at their Courts and Minutes of the Proceedings of Committees in proper Books; and the said Record and Minutes shall be deposited in such Place as by the Laws or Regulations of the Commissioners shall from Time to Time be directed, and in default of such Directions at the principal Office of the Commissioners. Clerk to record Proceedings, which shall be deposited.

Seal, Offices, and Officers.

XXV. And be it enacted, That the Commissioners shall cause a Seal to be made for their Commission, and shall cause to be sealed or stamped therewith any Decrees, Orders, or Records of Proceedings; and all Decrees, Orders, and Records of Proceedings, or Copies thereof, purporting to be sealed or stamped with such Seal, shall be received as Evidence of the same, without further Proof thereof. Power to Commissioners to provide a Common Seal.

XXVI. And be it enacted, That the Commissioners shall provide and keep a principal Office, and also such Branch Offices for their Surveyor and Officers, in convenient Places within the Limits of the Commission, as they may think fit, and shall cause due Notice of all Offices which shall from Time to Time be provided by them to be given Twice at the least in Three daily Morning Newspapers circulating in *London* and *Westminster;* and the Commissioners shall at such Offices as they may think convenient, and during all Days of Business, keep open a Book in which shall be entered all reasonable Complaints Commissioners to provide Offices. A Book to be kept for Entry of Complaints.

Seal, Offices, and Officers.

Complaints made orally or by Letter by any Inhabitant or the Owner or Occupier of any Land within the Limits of the Commission, of any Matter cognizable by the Commissioners; and the proper Officer of the Commissioners shall forthwith inquire into the Truth of all such Complaints, and report thereon to the Commissioners; and such Report shall be entered in the said Book; and such Book shall be open at all reasonable Times to any Inhabitant or Owner or Occupier of Land within the Limits of the Commission.

Power to Commissioners to appoint Officers and Servants, and assign Salaries, &c.

XXVII. And be it enacted, That the Commissioners shall and may from Time to Time appoint, employ, and continue in Office respectively such Clerks, Treasurers, Surveyors, Collectors of Rates, Workmen, and other Officers and Servants as may be necessary or proper for the Execution of the Powers vested in the Commissioners, and assign and allow Salaries, Wages, or Remuneration to such Officers or Servants, and from Time to Time remove and dismiss such Officers and Servants respectively; and if any Officer or Person appointed, employed, or continued in Office by the Commissioners shall be afflicted with some permanent Infirmity disabling him from the Execution of his Office or Duty, and shall be desirous of resigning the same, or if, for any Length of Service or other meritorious Cause, the Commissioners shall at any Time hereafter deem it just that any Officer or other Person who shall have been employed under the said Commissions which will be determined by the issuing of the First Commission under this Act, or any of them, or under any former Commissions for the same Limits, and who shall not be continued in Office under such First Commission, or any Officer or other Person so appointed, employed, or continued in Office by the Commissioners, should be paid any retiring Pension or Allowance, it shall be lawful for the Commissioners from Time to Time, and as often as it shall occur, to order the Payment of such Pension or Allowance, and on such Terms, and out of such Funds under the Disposal of the Commission, as to the Commissioners shall seem meet.

Clerk and Treasurer not to be the same Person.

XXVIII. And be it enacted, That no Person holding the Office of Treasurer, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer; and every Person offending in any of the Cases specified in this Provision shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

XXIX. And be it enacted, That no Officer or Servant of the Commissioners shall be in anywise concerned or interested in any Contract or Work made with or executed for the Commissioners; and if any such Officer or Servant be so concerned or interested, or shall, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages,

Seal, Offices, and Officers.

Wages, and Allowances, and the Fees or Sums authorized to be charged by this Act or any Bye Law of the Commissioners, he shall be incapable of afterwards holding or continuing in any Office or Employment under the Commissioners, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt; provided that no Person, being a Shareholder of any Joint Stock Company established by Act of Parliament, or by Charter, shall be prevented from being employed as an Officer or Servant by reason of any Contract between such Company and the Commissioners, or of any Work executed by such Company.

Officers, &c. intrusted with Money to give Security for duly accounting for the same.

XXX. And be it enacted, That before any Officer or Servant shall enter upon any Office or Employment under the Commissioners, by reason whereof he will or may be intrusted with the Custody or Control of Money, the Commissioners shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient; and every such Officer or Servant employed in the Collection of Rates under the Authority of this Act shall, within Seven Days after he shall have received any Monies on account of such Rates, unless the Commissioners shall appoint a shorter Time for that Purpose, and then within such Time as the Commissioners shall appoint, pay over the same to the Treasurer, and shall, as and when the Commissioners may direct, deliver a List, signed by him, containing the Names of all Persons who have neglected or refused to pay any Rate, and the Sums respectively due from them; and every Officer and Servant of the Commissioners, as well during his Continuance in Office or Employment as upon his Resignation, Dismissal, or ceasing to hold his Office or Employment, shall respectively, when and in such Manner as shall be required by the Commissioners, make out and deliver a true and perfect Account in Writing, signed by him, of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall, together with such Account, deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer all Monies owing by him upon the Balance of Accounts; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if for the Space of Five Days after being thereunto required he fail to deliver up to the Commissioners all Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Commissioners, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him, or left at his last known Place of Abode, and if it appear to the last-mentioned Justices that he has failed to render any such Account, or to produce and deliver up any such Vouchers or Receipts,

If Officer fail to render Account, &c., Justices may commit Offender to Prison.

Seal, Offices, and Officers.

Receipts, or any such Books, Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by Warrant under their Hands and Seals, to commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Account, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appear that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like Warrant, to cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress to commit him to Gaol, there to remain without Bail for a Period of Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, it shall be lawful for such Justice, without previous Summons, by Warrant under his Hand and Seal, to cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

If Officers in possession of Property of Commissioners refuse to deliver it up, they may be removed from the same.

XXXI. And be it enacted, That if any Officer or Servant of the Commissioners who shall resign or be dismissed or removed from his Office shall be in possession of any Land, Buildings, or Works belonging to or vested in the Commissioners, and shall refuse or neglect to deliver up the Possession thereof within Two Days after he is required to deliver up the same, by Notice in Writing given to him, or left at his last or most usual Place of Abode, or if the Wife, Widow, Family, or Representatives of any such Officer or Servant who shall die, shall, after like Notice given to her, them, or any or either of them, refuse or neglect to deliver up Possession of the same within the like Time after she, they, any or either of them, shall be required so to do, then and in any of the said Cases it shall be lawful for the Commissioners, by Warrant under the Seal of the Commission, and under the Hands of Six Commissioners, to order a Constable or other Peace Officer, with such Assistance as shall be deemed necessary, in the Daytime, to enter into and upon and take possession of such Land, Buildings, or Works, and to remove the Persons who shall be found in or upon such Land, Buildings, or Works, together with their Goods, out of such Premises, and to put the Commissioners or their Officers or Servants in possession thereof.

Mapping, &c. of Area, Division thereof into Sewerage

XXXII. And be it enacted, That the Commissioners shall proceed with or cause to be made or completed a Survey of the Area within the

Districts, and Jurisdiction of Commissioners.

the Limits of their Commission, and of any adjoining Parts which the Commissioners may think necessary to include in such Survey for the Purposes of this Act, and a Map or Maps thereof, on such Scale or respective Scales, and with such Indications of Levels, and Particulars of Sewers and underground Works, and of the Surface, as the Commissioners shall think necessary or expedient for the Purposes of this Act or for the general Advantage of the Rate-payers; and the Commissioners may cause such Map or Maps, or any Part thereof, to be from Time to Time copied, engraved, and published as they may think proper; and the Commissioners shall from Time to Time cause such Map or Maps to be revised, and such Additions made thereto as may show the new Sewers and Drains, and the new Roads, Houses, or other Alterations, and the Date of Revision shall be expressed thereon; and every such Map shall be kept in the chief Office of the Commissioners, and the same or a Copy thereof shall be open at all seasonable Times to the Inspection of the Owners or Occupiers of any Lands within the Limits of the Commission.

Commissioners to cause a Survey of the Area within the Limits to be made, and a Map of the same to be prepared.

XXXIII. And be it enacted, That, without Prejudice to any Contract or Arrangement under any former Commission which may become obligatory on the Commissioners under this Act, the Commissioners may agree either with the principal Officers of Her Majesty's Ordnance that such Survey or any Part thereof shall be made by surveying Officers appointed by them, or may contract for that Purpose with any competent Persons, for such Remuneration as shall be agreed upon between such Parties respectively and the Commissioners.

Commissioners may agree with Officers of Ordnance for making Survey.

XXXIV. And be it enacted, That the Commissioners shall from Time to Time divide or form so much of the Area within the Limits of their Commission as are included in the Divisions, Districts, or Levels formed within the Limits of the said several Commissions which will be determined by the issuing of the First Commission under this Act, and also the Parts under the Jurdisdiction of the Commissioners for executing the said Act of the Fifth Year of King *George* the Fourth, and also such other Parts within the Limits of the Commission under this Act as shall appear to the Commissioners to require the Exercise of all or any of the Powers vested in the Commissioners, if and as Occasion shall require, into separate Sewerage Districts, having regard in such Division or Formation to the Nature of the Ground, to the Main Lines of Sewers by which such separate Districts are or shall be drained, or to the Main Lines of Sewers which it may appear to the Commissioners expedient to form for the Drainage of such Sewerage Districts, and to the equal Benefit, as far as may be, of all Lands and Buildings comprised in such Districts; and the Commissioners shall from Time to Time mark and describe on a Map to be kept at their chief Office the Limits of such Sewerage Districts.

Power to form separate Sewerage Districts.

XXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to subdivide or unite, or extend, contract, or alter, the Limits or Boundaries of any such separate

Power to Commissioners to alter Boundaries of separate

Sewerage Districts, and, until altered, existing Districts to form separate ones.

Sewerage Districts; but, until the Commissioners shall otherwise direct, the Divisions, Districts, or Levels formed within the Limits of the said several Commissions which will be determined by the issuing of the First Commission under this Act, and the Area within the Jurisdiction of the Commissioners for executing the said Act of the Fifth Year of King *George* the Fourth, shall respectively form separate Sewerage Districts under this Act; and the Provisions of this Act in relation to separate Sewerage Districts shall apply to such respective Divisions, Districts, or Levels, and such Area as last aforesaid, as if the same had been formed into such separate Sewerage Districts by the Commissioners.

Power to Commissioners to postpone Exercise of Jurisdiction in certain Cases.

XXXVI. And be it enacted, That the Commissioners may, if they think fit, forbear to exercise their Jurisdiction, either wholly or in part, over any Place within the Limits of their Commission chiefly used for agricultural Purposes, or which, in the Judgment of the Commissioners, shall be in such a State as not to require the Exercise of all or any of the Powers vested in the Commissioners, until such Time, under such Circumstances, and in such Manner as they shall think fit.

All Sewers, Drains, &c. to be subject to Survey, &c. of Commissioners.

XXXVII. And be it enacted, That all Sewers, Drains, Watercourses, Weirs, Dams, Banks, Defences, Gratings, Pipes, Conduits, Culverts, Sinks, Vaults, Cesspools, Privies, Reservoirs, Engines, Sluices, Penstocks, and other Works and Apparatus for the Collection or Discharge of Rain Water, surplus Land or Spring Water, waste Water or Filth, or Fluid or Semifluid Refuse of all Descriptions, and for the Protection of Lands from Floods or Inundation within the Limits of the Commission, shall be subject to the Survey, Order, and Control of the Commissioners, according to the Provisions and subject to the Regulations and Restrictions of this Act.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

Power for Commissioners to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.

XXXVIII. And be it enacted, That the Commissioners shall from Time to Time repair the Sewers which shall be from Time to Time vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining the Area within the Limits of the Commission, and shall cause any Banks or Defences abutting on any River, Stream, Canal, or Watercourse to be raised, strengthened, or altered, where it may be necessary so to do, for effectually draining or protecting from Floods or Inundation such Area; and it shall be lawful for the Commissioners to carry any such Sewers through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and (if upon the Report of the Surveyor it should appear to be necessary) into, through, or under any Lands whatsoever, making Compensation for any Damage done thereby as herein-after provided; and it shall be lawful for the Commissioners from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses,

Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, Closing up, or Destruction of any Sewer as aforesaid shall be so done as not to create a Nuisance; and if by reason thereof any Person shall be deprived of the lawful Use of any Sewer, it shall be the Duty of the Commissioners to provide some other Sewer or a Drain as effectual for his Use as the Sewer of which he is so deprived: Provided also, that where the Commissioners shall improve or alter any Sewer, or provide a new Sewer in substitution for a Sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private Drains communicating with the Sewer so improved or altered, or with the Sewer so discontinued, closed up, or destroyed, or may close up or destroy such private Drains, and provide new Drains in lieu thereof, as the Circumstances of the Sewerage may appear to them to require, but so that in every Case the altered or substituted Drain shall be as effectual for the Use of the Person entitled thereto as the Drain previously used.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

XXXIX. And be it enacted, That where, for the Purpose of more effectually carrying off the Water or Drainage flowing through any Sewer within the Limits of the Commission, it shall appear to the Commissioners expedient that any such Sewer should be carried into or through the City of *London* or the Liberties thereof, or should be made to communicate with any Sewer within such City or Liberties, or that a new Sewer communicating or to communicate with any Sewer within the Limits of the Commission should be constructed within the City of *London* or the Liberties thereof, or that any existing Sewer within the said City or Liberties should be diverted, repaired, raised, lowered, deepened, widened, enlarged, contracted, or otherwise altered or improved, it shall be lawful for the Commissioners to require the Commissioners of Sewers of the City of *London* to carry such Sewer into or through the City of *London* or the Liberties thereof, or to make such Communication with the Sewers of the last-mentioned Commissioners, or to construct a new Sewer within the City of *London* or the Liberties thereof, or to divert, repair, raise, lower, deepen, widen, enlarge, contract, or otherwise alter or improve any existing Sewer within the City of *London* or the Liberties thereof, which shall communicate or be intended to communicate with any Sewer within the Limits of the Commission; and the Commissioners of Sewers of the City of *London* shall, immediately upon the Receipt of such Requisition, proceed to comply therewith, and to do and perform the several Works and Things therein set forth, in such Manner as shall therein be expressed, and shall carry on and complete the same with all reasonable Despatch, and to the Satisfaction of the Commissioners under this Act.

Commissioners of Sewers for the City of London to execute Works required by the Commissioners appointed under this Act.

XL. And be it enacted, That the Expense of such Works as shall be so required by the Commissioners to be done within the City of *London* or the Liberties thereof, in case the same shall not be required for the effective Drainage of the said City and Liberties, but shall

How Expenses of Works required to be executed in the City of London are to be paid.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

shall be wholly for the Benefit of any Lands or Buildings and for the Purpose only of facilitating the Drainage of any District within the Limits of the Commission, shall be defrayed by the Commissioners, and shall, on Demand thereof, be repaid by them to the Commissioners of Sewers of the City of *London*; but in case any such Works shall be for the mutual Benefit of Lands or Buildings within the Limits of the Commission and of Lands or Buildings within the City of *London* or the Liberties thereof, then the Expense of such Works shall be divided between the Commissioners of Sewers of the City of *London* and the District or Districts which shall be benefited thereby, in such Manner as that the Commissioners of Sewers of the City of *London* shall be liable to such Portion only of such Expense as shall be equal to the Benefit which they shall derive from such Works, and the Residue of such Expense shall be defrayed by the Commissioners under this Act.

As to Settlement of the Proportion to be paid by each Party in case of Difference of Opinion.

XLI. And be it enacted, That the Question as to whether the Expense of the Works which may be required by the Commissioners to be done within the City of *London* or the Liberties thereof shall be defrayed wholly by the Commissioners, or shall be apportioned between them and the Commissioners of Sewers of the City of *London*, and also any Question which may arise as to the Extent to which any Lands or Buildings within the City of *London* or the Liberties thereof may be benefited by such Works, and consequently as to the Share or Proportion of such Expense to which the Commissioners of Sewers of the City of *London* ought to be liable, shall be decided by the Commissioners under this Act, and such Decision shall be final and conclusive, unless the Commissioners of Sewers of the City of *London* shall object thereto, and then and in such Case every or any such Question shall be settled by the President for the Time being of the Board of Trade.

Expenses of Works executed in the City of London how to be recovered.

XLII. And be it enacted, That in case the Expenses, or, as the Case may be, the Share or Proportion of the Expenses of Works required by the Commissioners to be done within the City of *London* or the Liberties thereof, to which the Commissioners may be liable, shall not, on Demand thereof, be repaid by them to the Commissioners of Sewers of the City of *London*, such Expenses, or such Share or Proportion thereof, as the Case may be, or so much thereof as shall remain unpaid, shall and may be levied by Distress and Sale of the Goods and Chattels of the Treasurer of the Commissioners, or, at the Option of the Commissioners of Sewers of the City of *London*, may, without Prejudice to any other Mode of Recovery, be recovered by the Appointment of a Receiver in the Manner herein directed with reference to the Recovery of Principal or Interest Money by any Mortgagee lending Money to the Commissioners under the Authority of this Act.

If Commissioners of Sewers for the City of London do

XLIII. And be it enacted, That in case the Commissioners of Sewers of the City of *London* shall not immediately upon the Receipt of such Requisition from the Commissioners under this Act as hereinbefore is mentioned proceed to comply therewith, and to do and

perform the several Works and Things set forth in such Requisition, in the Manner therein mentioned, or, in case such Works shall not be after their Commencement carried on and completed with all reasonable Despatch, it shall be lawful for the Commissioners under this Act to construct, do, and perform such Works and Things, and for that Purpose to enter upon any Land or Ground within the City of *London* or the Liberties thereof, anything in this Act or in any other Act passed or which may be passed in this present Session of Parliament contained to the contrary thereof in anywise notwithstanding.

not execute the Works required, the Commissioners under this Act empowered to execute them.

XLIV. And be it enacted, That wherever any Party shall be, by Prescription, by reason of Tenure, or otherwise liable by Law to maintain or do any Repairs to Sewers, Banks, Watercourses, or Works which the Commissioners shall judge it necessary to alter or improve, it shall be lawful for the Commissioners to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the District or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or Repairs, and to throw on the District or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing herein contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

Power to Commissioners to do Works of Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the District.

XLV. And be it enacted, That the Commissioners shall cause the Sewers which shall be from Time to Time vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied; and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause all or any of such Sewers to communicate with and be emptied into such Places as may be fit and necessary, or may cause the Sewage and Refuse therefrom to be collected for Sale or for any Purpose whatsoever, but so as not to create a Nuisance; subject nevertheless and without Prejudice to the Rights and Privileges, Powers and Authorities, given to and vested in the Metropolitan Sewage Manure Company by an Act of Parliament passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to incorporate a Company by the Name of "The Metropolitan Sewage Manure Company,"* and by another Act of Parliament passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the Metropolitan Sewage Manure Company to alter their Line of Works, and for other Purposes.*

Commissioners to cause Sewers, &c. vested in them to be cleansed and emptied from Time to Time.

Saving of Rights of Company formed under 9 & 10 Vict. c. cccxcviii.

10 & 11 Vict. c. xxxviii.

XLVI. And

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

After issuing Commission under this Act, no House to be built or rebuilt without proper Drains.

XLVI. And be it enacted, That after the issuing of the First Commission under this Act it shall not be lawful newly to build any House within the Limits of the Commission, or to rebuild any House within such Limits which may have been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House so newly built or rebuilt, unless the lowest Floor be made at such a Level as shall admit of the proper Drainage thereof as herein-after mentioned; and if One or more of the Sewers of the Commissioners be within One hundred Feet of the House to be built or rebuilt, or of the Inclosure about the same, properly adapted, in the Judgment of the Commissioners, for the Drainage of such House and its Appurtenances, the Commissioners shall order the Owner or Occupier to drain such House, by continuing such Sewer of the Commissioners, or (if more than One) such One of such Sewers of the Commissioners as they shall direct, up to and along the entire Front, Side, or Back of such House and Inclosure, and by constructing, in such Manner as they may direct, a covered Drain to lead from such House to such Sewer, and where there shall already be a Sewer along any Front, or Side, or the Back of any such House to be built or rebuilt as aforesaid which the Commissioners shall be satisfied is or may be adapted to the Drainage thereof and its Appurtenances, the Commissioners shall order such Owner or Occupier to construct, in such Manner as they may direct, a covered Drain to lead from such House to such Sewer, and also to contribute such Sum as the Commissioners shall deem just towards the Expense of the original Construction of such Sewer, provided it shall have been made within Thirty-five Years before the passing of this Act, such Contribution to be paid to the Person or Body who may have built the same; and if there shall be no such Sewer as aforesaid within the Distance aforesaid, then the Commissioners shall order the Owner or Occupier to construct, in such Manner as they may direct, a covered Drain to lead from such House into a covered Cesspool or other Place not being under any House, nor within such Distance from any House as the Commissioners shall direct; but if the Commissioners shall have ordered the Construction, or shall have under Consideration the Construction of any Sewer which they may think proper for the Drainage of such House, the Commissioners may make such other Order in relation to the Drainage thereof as under the Circumstances they may think fit; and if any House built before or after the passing of this Act within the Limits of the Commission and its Appurtenances shall not be drained to the Satisfaction of the Commissioners, the Commissioners shall make the like Order for the Drainage of the same as they are hereby authorized to make in the Case of a House built or rebuilt after the issuing of the First Commission under this Act; and if during Twenty-eight Days after Notice from the Commissioners to the Owner or Occupier in any of the Cases aforesaid to do such Works as aforesaid such Notice shall not be complied with, or the Works shall not be, after their Commencement, carried on and completed with all reasonable Despatch, it shall be lawful for the Commissioners to construct such Works; and the Expenses incurred by them in such Construction

If Houses built before passing of this Act are not properly drained, Commissioners may order the same to be done.

struction shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct; and the Commissioners may levy the Amount of such Contribution as aforesaid by Distress and Sale of the Goods and Chattels either of the Owner or of the then present or future Occupier of the Premises.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

XLVII. And be it enacted, That Returns of all Notices of building or rebuilding Houses and Buildings in Places within the Limits of the Commission which shall be given pursuant to an Act passed in the Seventh and Eighth Years of Her present Majesty, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, shall be transmitted by the Surveyors who shall receive the same to the Commissioners at such Periods and in such Form as the Commissioners may direct; and it shall be the Duty of the Surveyors under the last-mentioned Act to give Information to the Commissioners of any Drain or Work which shall not be conformable with the Directions of this Act, and of the Omission or Neglect to make or do any Drain or Work which ought to be made or done according to the Directions of this Act, and, in case the Commissioners shall so direct, to act in relation to such Drain or Work in the same Manner as in the Case of any Work or other Thing done contrary to the Rules or Directions of the said Act of the Seventh and Eighth Years of Her present Majesty; and all the Provisions with regard to Drains, Sewers, and Cesspools contained in the last-mentioned Act, so far as the same are inconsistent with the Provisions of this Act, shall be repealed from and after the issuing of the First Commission under this Act.

Returns of Notices of building Houses pursuant to 7 & 8 Vict. c. 84. to be sent by Surveyors to Commissioners under this Act;

such Surveyors to giveInformation to Commissioners, of Drains, &c not conformable to this Act.

XLVIII. And be it enacted, That after the issuing of the First Commission under this Act it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, without a sufficient Water-closet or Privy and an Ashpit furnished with proper Doors and Coverings; and whosoever shall offend against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time, upon the Report of their Surveyor, it shall appear to the Commissioners that any House, whether built before or after the issuing of the First Commission under this Act, is without a sufficient Water-closet or Privy and an Ashpit furnished with proper Doors and Coverings, the Commissioners shall give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Water-closet or Privy and an Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Commissioners to cause to be constructed a sufficient Water-closet or Privy and an Ashpit, or either of them, or do such other Works as the Case may require; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement

Penalty on building Houses, &c. without proper Water-closets, &c.

All Houses built before or after issuing First Commisssion under this Act to be provided with Water-closets, &c.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

provement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that where a Water-closet or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Commissioners a Water-closet or Privy may be so used, they need not require the same to be provided for each House.

Drains, Water Closets, &c. to be constructed so as not to be a Nuisance or injurious to Health.

XLIX. And be it enacted, That the Commissioners shall provide that all Drains whatsoever, and the Water-closets, Privies, Cesspools, and Ashpits within the Limits of the Commission, are constructed and kept so as not to be a Nuisance or injurious to Health; and it shall be lawful for the Surveyor, by written Authority of the Commissioners, (who are hereby empowered to grant such Authority, upon the written Application of any Person, stating therein the Name and Place of Abode of the Applicant, and showing that the Drain, Water-closet, Privy, Cesspool, or Ashpit in respect of which Application is made is a Nuisance or injurious to Health, but not otherwise,) and after Twenty-four Hours Notice in Writing, or in case of Emergency without Notice, to the Occupier of the Premises to which such Drain, Water-closet, Privy, Cesspool, or Ashpit is attached or belongs, to enter such Premises, with or without Assistants, and cause the Ground to be opened, and examine and lay open any Drain, Water-closet, Privy, Cesspool, or Ashpit; and if the Drain, Water-closet, Privy, Cess-pool, or Ashpit in respect of which such Examination is made be found to be in proper Order and Condition, he shall cause the Ground to be closed, and any Damage done to be made good as soon as can be, and the Expenses of the Works shall be defrayed by the Commissioners; but if upon such Examination such Drain, Water-closet, Privy, Cesspool, or Ashpit appear to be in bad Order and Condition, or to require Cleansing, Alteration, or Amendment, or to be filled up, the Commissioners shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Examination was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with by the Person to whom it is given the Commissioners may, if they shall think fit, execute such Works; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct.

Commissioners to cause offensive Ditches, Drains, &c. to be cleansed or covered by Owners or Occupiers, and to give them Notice of the same.

L. And be it enacted, That the Commissioners shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same shall exist, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up any such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct

construct a proper Sewer or Drain for the Discharge of such Drainage, Filth, Water, Matter, or Thing, as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Commissioners shall execute the Works mentioned or referred to therein; and the Expenses incurred by them in so doing shall be ascertained by the Decree of the Commissioners, and shall be paid by an Improvement Rate upon the Premises, or shall be paid as Charges for Default, as the Commissioners shall by their Decree direct: Provided always, that it shall be lawful for the Commissioners, where they shall think it reasonable, to order that the whole or a Portion of the Expenses incurred in respect of any such last-mentioned Works be defrayed out of the District Sewers Rate to be levied under this Act, and in case of any such Order the whole or such Portion of the Expenses as may be mentioned therein shall be defrayed and levied accordingly: Provided also, that where the Commissioners shall propose to direct by their Decree that the whole or any Portion of such last-mentioned Expenses shall be paid by an Improvement Rate or as Charges for Default, Notice of such proposed Decree shall be given to the Owner or Occupier of the Premises One Month before such Decree shall be made; and where within such One Month after such Notice any such Owner or Occupier shall serve Notice on the Commissioners of his Desire that the Matter be settled by Arbitration, the Question whether all or any or what Portion of such Expenses shall be so paid shall be settled by Arbitration under the Provisions herein-after contained: Provided also, that where any Work by the Commissioners done or required to be done in pursuance of the Provisions of this Act shall interfere with or prejudicially affect any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby in manner herein provided concerning Compensation to Persons sustaining Damage by reason of the Exercise of any of the Powers of this Act; or it shall be lawful for the Commissioners, if they shall think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Commissioners herein-after authorized shall be applicable to every such Purchase as aforesaid.

If Persons, after receiving Notice, fail to comply, Commissioners may execute the same, and charge the Expenses, &c.

Where Works done in pursuance of this Act shall interfere with any ancient Mill, &c., Compensation to be made, or Rights therein purchased.

LI. And be it enacted, That when and so often as it shall appear to the Commissioners that any Street, or any common Stairs, or Passage or other Place common to the Inhabitants of several Tenements situate within the Limits of the Commission, shall not be sufficiently cleansed, or that the Refuse therefrom shall not be removed so effectually or completely or so often as the Commissioners shall deem necessary for the Preservation of the public Health, Decency, or Comfort, the Commissioners shall cause such Street, Stairs, Passage, or Place, and also the Walls of any Houses therein, where there shall be an Accumulation of Filth or Dirt, to be effectually cleansed, and the Refuse to be removed, as they shall think fit; and for effecting the Purpose of this Provision the Commissioners may lay on Water Pipes or place Plugs and Standcocks in any Streets or public or common Places within the Limits of their Commission: Provided always, that

Power to Commissioners to order Streets, &c. to be cleansed for Preservation of Health, and to lay on Water Pipes, &c. within their Limits.

Works, &c. to be done by Commissioners, and Regulations for improved Drainage.

where there shall be any Paving Commissioners or other Persons having under any Local Act of Parliament Authority to cleanse such Street, Stairs, Passage, or Place, and to remove such Refuse, and such Commissioners or Persons shall take Order for the effectual cleansing of such Street, Stairs, Passage, or Place, and the removing the Refuse therefrom, at such Periods and in such Manner as shall be satisfactory to the Metropolitan Commissioners of Sewers, such last-mentioned Commissioners shall, while the same shall be so effectually cleansed and removed respectively, permit the Duty of cleansing and removing the same respectively to be resumed or discharged by such Paving Commissioners or Persons as aforesaid, without Prejudice to the Right of the Metropolitan Commissioners of Sewers to resume the Exercise of their Powers under this Provision, upon any subsequent Default or Neglect.

Power to Commissioners to fill up Ditches by the Side of Roads, and substitute Pipes.

LII. And be it enacted, That it shall be lawful for the Commissioners, where they shall think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe Drains alongside or across such Roads and Ways, with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches may, if the Commissioners shall so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

Power to Commissioners to provide public Water-closets, &c.

LIII. And be it enacted, That it shall be lawful for the Commissioners to provide and maintain Water-closets, Privies, and like Conveniences, in Situations where they shall deem such Accommodation to be required, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, out of the District Sewers Rate.

Protection of Drainage Works.

No Buildings to be made in or over Sewers, without Consent.

Cellars and Vaults not to interfere with Sewers.

Penalty on constructing Drains without Authority.

LIV. And be it enacted, That no Building shall be erected in, over, or under any Sewer vested in the Commissioners, without the Consent of the Commissioners first obtained in Writing, and that all Vaults and Cellars adjoining their Sewers shall be substantially made, and so as not to interfere or communicate with any such Sewers; and if any Building, Vault, or Cellar be erected or made contrary to the Provisions herein contained, the Commissioners may demolish or fill up the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building or making such Vault or Cellar, and shall be recoverable as Charges for Default; and that any Person, not being authorized for that Purpose by the Commissioners, who shall make any Drain or Opening into any of their Sewers, shall, on Presentment by the Surveyor, forfeit to them a Sum not exceeding Five Pounds for each Drain or Opening; and the Commissioners may cause such Drain or Opening to be removed, stopped up, or re-made, as they may think fit; and all the Expenses incurred thereby shall

shall be paid by the Person making such Drain or Opening, and shall be recoverable from him as Charges for Default; and that any Person who shall lay or throw in or into any Sewer of the Commissioners any Cinders, Bricks, Stones, or solid Rubbish, shall, on such Presentment, forfeit to the Commissioners a Sum not exceeding Forty Shillings for every such Offence.

Penalty on throwing hard Rubbish, &c. into Sewers.

LV. And be it enacted, That the exclusive Control of all Gulley Shoots, Grates, and Openings in any Street or Road, not being within the City of *London* or the Liberties thereof, communicating, directly or indirectly, with the Sewers vested in the Commissioners, by whomsoever the same Shoots, Grates, and Openings may have been made, or may be maintained or managed, shall belong to and the same are from and after the issuing of the First Commission under this Act vested in the Commissioners; and all Powers given by any Public or Local Act or Acts to any Trustees or Commissioners of paving or cleansing, or other Bodies or Persons, to make or place in Streets or Roads under their Jurisdiction Shoots, Grates, Openings, or Communications into or with such Sewers, without the Consent of the Commissioners of Sewers, shall be and are hereby repealed.

Exclusive Control of Gulley Shoots, &c. vested in Commissioners.

No Openings to be made into Sewers without Consent of Commissioners.

LVI. And be it enacted, That before beginning to lay the Pavement or hard Surface of any new Street, or to relay the Pavement or hard Surface of any existing Street, the Officers or Persons authorized or intending so to do shall give to the Commissioners Fourteen Days Notice thereof in Writing, accompanied by a Plan, showing by Reference to some Datum Line established by the Commissioners the proposed Level and surface Inclination of such Street, and the Nature of Pavement or hard Surface proposed to be made or laid therein; and the Commissioners, within Seven Days after receiving such Notice, may specify, by Notice in Writing given to such Officers or Persons, any and what Alterations in the proposed Level, Inclination, or Material they think requisite to be made to insure the due Drainage and cleansing of such Street, and such Officers or Persons as aforesaid shall make such Alterations accordingly; and it shall be lawful for the Commissioners to prevent the Admission into their Sewers of the Surface Drainage of Streets or Roads, where such Streets or Roads are badly paved, or where the paving or the surface Inclinations thereof are such as to accumulate Deposit and discharge the same into the Sewers in such Quantities as to occasion Obstructions therein.

Notice to be given to Commissioners of laying and relaying Streets.

Commissioners may prevent Admission of Surface Drainage into their Sewers, in certain Cases.

LVII. And be it enacted, That it shall be lawful for the Commissioners, by Agreement with and at the Expense of the Owners or Occupiers of any Lands or Premises within the Limits of their Commission, to execute any Drainage Works on such Lands or Premises which such Owners or Occupiers may be desirous to have so executed thereon.

Commissioners may, at Expense of Owners, execute Works of Drainage.

LVIII. And be it enacted, That, subject and without Prejudice to the Rights saved under this Act, it shall be lawful for the Commissioners to sell and dispose of, as they shall think fit, the Sewage and

Commissioners may, without Prejudice to

Rights saved, dispose of the Sewage and Refuse of their Sewers, and apply the Money to Purposes of this Act.

and Refuse from their Sewers, and the Drainage, Refuse, or Rubbish arising from any Work, or collected and removed in the Course of any Work or Operation which the Commissioners shall execute, do, or perform under this Act, and to apply the Money arising from such Sale and Disposition to the general Expenses of the Commission, or such of the Expenses to be incurred by them under this Act as they shall think fit.

Procedure before Execution of Works, &c.

Commissioners may proceed on Information of their Surveyor.

LIX. And be it enacted, That where under this Act the Commissioners are authorized to do or direct to be done any Work, or to remove or repair, or direct to be removed or repaired, any Nuisance or Default, it shall be lawful for the Commissioners to exercise and put in force all the Powers of this Act in relation to the Premises, upon the Information or Presentment of their Surveyor, without any other Presentment in relation thereto.

Notice to be given before commencing Works chargeable to special Rates.

Persons objecting to Works to give Notice to Commissioners, who shall appoint a Time to hear the same.

LX. And be it enacted, That, Fourteen Days at the least before commencing any Works the Expense of which under this Act might be defrayed wholly or in part by a Special Sewers Rate, the Commissioners shall cause to be made Plans and Sections of the intended Works, and shall give public Notice thereof, or special Notice to the Owners or Occupiers of the Lands or Tenements on which such Special Sewers Rate may be made, of such Works, and of the Place where such Plans and Sections may be seen; and in case within such Fourteen Days any Person interested in such Lands or Tenements shall give Notice to the Commissioners of any Objection to such Works, the Commissioners shall appoint a Time and Place to consider the Objections to the intended Works, and the Commissioners, attended by their Surveyor, shall meet at the Time and Place specified in such Notice, to consider any Objections to the intended Works; and all Persons interested therein shall be entitled to be then and there heard by themselves, or their Agents, before the Commissioners; and thereupon the Commissioners may, subject to the other Provisions of this Act, execute, abandon, or make such Alterations in the said intended Works as they may think fit.

Works of urgent Necessity may be proceeded with without Notice.

LXI. Provided always, and be it enacted, That the Commissioners may undertake any Work of any Description without any Notice or other Proceeding herein-before required, where, from Flood, Storm, or other urgent Cause, the Commissioners shall deem it necessary that the Delay occasioned by such Proceedings should be avoided.

Powers of Entry, &c. for Execution of Works.

Power to enter on Lands for Purposes of the Act.

LXII. And be it enacted, That where it shall be necessary for the Purpose of making such general Survey as herein-before mentioned, or making any Survey or Examination of or preparatory to any Work of Sewers, or for the Purpose of viewing the Sewers or Drains within the Limits of the Commission, or making or repairing or cleansing any Sewer or Works, and otherwise for the Purpose of carrying into execution the Powers intrusted to the Commissioners, it shall be lawful for the Surveyor, or any other Persons authorized by the Commissioners, at reasonable Times in the Daytime, to enter, examine,

examine, and lay open any Lands or Premises: Provided always, that, except in Cases of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment, unless, Twenty-four Hours at the least previously thereto, Notice of the intended Entry and of the Object thereof be given to the Occupier of the Premises intended to be entered; and that Compensation be made for any Damage occasioned by such Entry and Works as aforesaid to all Persons other than the Owners and Occupiers of any Land or Building in respect of which any private Drain or Sewer, or the State of Drainage, shall be inspected, cleansed, or repaired, and the Owners or Occupiers of any Premises where any Nuisance may exist, and the Person who may have caused such Nuisance.

Powers of Entry, &c. for Execution of Works.

LXIII. And be it enacted, That from Time to Time, when and as it shall be found necessary for the Execution of Works and Operations under this Act, it shall be lawful for the Commissioners to dig into, open, or break up the Roadway or Pavement of any Street, and to stop up any Street, and prevent Persons from passing along and using the same, for a reasonable Time, before and during the Construction, Alteration, Repair, or Demolition of any Sewer or Drain, or the laying or placing of any Pipe, Plug, Cock, or Stand-pipe in or under such Street, and to use any Street, or any Part thereof, for the Purpose of depositing Materials, Implements, or Things in or about such Works, or in or about the cleansing of Sewers, Cesspools, or Privies, or executing the Purposes of this Act, the Commissioners doing as little Damage and causing as little Obstruction as may be, and making good all Damage to the Roadway and Pavement occasioned by the Exercise of the Powers aforesaid: Provided always, that all Openings and Excavations which the Commissioners may cause to be made in any Street for the Purposes of this Act shall, during the Progress of their Works therein, be effectually secured and fenced to prevent Accidents, and that the Roadway or Pavement taken up shall be by the Commissioners, at their Expense, reinstated and replaced in as good Condition as the same was before the Street was so opened or excavated, and as expeditiously as Circumstances will admit of; and in default thereof the Surveyor, Officer, or Contractor of the Commissioners employed on such Work shall forfeit to the Trustees or Commissioners having the Care of such Roadway or Pavement any Sum not exceeding Forty Shillings nor less than Ten Shillings for every Day that such Opening or Excavation shall not be properly secured, or such Roadway and Pavement not properly reinstated.

Power to stop up Streets during Progress of Works, and to alter Position of Pipes.

Openings in Streets to be secured, and afterwards to be reinstated by Commissioners.

Penalty on Contractor, &c. for Neglect.

LXIV. And be it enacted, That if and when for the Purposes of this Act the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong, to raise, sink, or otherwise alter the Situation of the same in such Manner and within such reasonable Time as shall be specified in such Notice; and the Expenses attendant upon or connected with any such Alteration, where the same shall be required for the Purpose of repairing or altering any Sewer which

Power to Commissioners to require Situation of Gas and Water Pipes to be altered.

Powers of Entry, &c. for Execution of Works.

No Alteration to be required that will injure Pipes.

was made before such Pipes, Mains, or Plugs were laid, shall be paid by the Person to whom the Pipes, Mains, or Plugs belong, and in all other Cases shall be paid by the said Commissioners out of Rates levied under this Act; and if such Notice be not complied with the said Commissioners may make the Alteration required: Provided always, that no such Alteration shall be required or made which will permanently injure any such Pipes, Mains, Plugs, or Works, or prevent the Water or Gas from flowing as freely and conveniently as usual; provided also, that where under any Local Act of Parliament the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are or shall be directed to be borne by the Person to whom such Pipes or Works belong, his Liability in that respect shall continue in the same Manner and under the same Conditions in all respects as if this Act had not been passed.

Contracts.

Power to Commissioners to enter into Contracts for carrying Act into execution.

Power to compound for Penalties in respect of Breach of Contracts.

Estimates to be prepared before commencing Works of the Value of 200*l.*

LXV. And be it enacted, That the Commissioners may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount shall exceed Ten Pounds shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Commissioners; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Commissioners and their Successors, and upon all other Parties thereto: Provided always, that it shall be lawful for the Commissioners to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract or in any Bond or otherwise, for such Sum of Money or other Recompense as to the Commissioners may seem proper: Provided also, that before contracting for the Execution of any Works of the Value or Amount of Two hundred Pounds or upwards the Commissioners shall obtain from their Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting only for the Execution of the Work, or for executing and also maintaining the same in repair during a Term of Years, or otherwise.

Power to purchase Lands, &c. and contract for Supply of Water.

Power to Commissioners to purchase Lands, &c. for the Purposes of this Act;

LXVI. And be it enacted, That it shall be lawful for the Commissioners to purchase by Agreement, or to take on Lease for such Term as they may think fit, any Land which may be necessary for the Formation or Protection of any Works which the Commissioners are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse Materials and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Mill-dam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and

Power to purchase Lands, &c. and contract for Supply of Water.

and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient to purchase, to prevent the Obstruction of Sewerage or Drainage within the Limits of the Commission; and also to purchase by Agreement or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein, which it shall appear to the Commissioners necessary to acquire and use for the Purposes of cleansing Sewers and Drains, and the other Purposes of the Commission, or any Land which it shall be deemed advisable by the Commissioners to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid; and also to contract with any Company or Person for the Supply to the Commissioners of Water for the Purposes aforesaid, provided always, that nothing herein contained shall authorize the said Commissioners to supply Water to any Parties for domestic, manufacturing, or commercial Purposes; and also to purchase and procure, erect and work, Kilns, Ovens, and Machinery, and to make and manufacture Pipes, Traps, and other Apparatus or Things requisite for any Works which the Commissioners are authorized to execute.

and to contract with any Company for Supply of Water.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

LXVII. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to the Recovery of Forfeitures, Penalties, and Costs," "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of the 'Lands Clauses Consolidation Act, 1845,' or the special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," and "with respect to the Provision to be made for affording Access to the special Act by all Parties interested," and except the Clauses numbered respectively 134 and 135 in the Copies of that Act printed by Her Majesty's Printers, shall, so far as respects such Purchases by the Commissioners as aforesaid, be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Commissioners of Sewers.

Power to Commissioners to sell Lands, &c. not wanted.

LXVIII. And be it enacted, That it shall be lawful for the Commissioners to sell and dispose of any Lands or other Property vested in them by virtue of this Act, or acquired by them under the Powers herein contained, or any Part thereof, which it may appear to the Commissioners may be properly sold or disposed of; and for completing and carrying any such Sale of Lands into effect the Commissioners may make and execute a Conveyance of the Lands sold and disposed of as aforesaid unto the Purchaser, or as he shall direct; and such Conveyance shall be under the Hands of Six of the Commissioners, and under the Seal of the Commissioners;

sioners; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Hands of Six of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and the Money to arise from such Sale shall be applied to such of the Purposes of this Act as the Commissioners shall think fit.

Compensation to Parties damaged by Exercise of Powers.

Compensation to be made out of the Rates for Damages sustained.

LXIX. And be it enacted, That full Compensation shall be made out of such Rates to be levied under this Act as the Commissioners shall by their Decree direct to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Compensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Disputes to be settled by Arbitration.

Arbitration.

Mode of referring to Arbitration.

LXX. And be it enacted, That in case of Dispute as to the Amount of any Compensation to be made under the Provisions of this Act (except where the Mode of determining the same is specially provided for), and in case of any Matter which by this Act is authorized or directed to be settled by Arbitration, then, unless both Parties concur in the Appointment of a single Arbitrator, each Party, on the Request of the other, shall appoint an Arbitrator, to whom the Matter shall be referred; and every such Appointment, when made on the Behalf of the Commissioners, shall be under their Seal, and on the Behalf of any other Party under his Hand, or if such Party be a Corporation Aggregate under the Common Seal thereof; and such Appointment shall be delivered to the Arbitrators, and shall be deemed a Submission to Arbitration by the Parties making the same; and after the making of any such Appointment the same shall not be revoked without the Consent of both Parties, nor shall the Death of either Party, nor the Determination of the Commission, operate as a Revocation; and if for the Space of Fourteen Days after any such Matter shall have arisen, and Notice in Writing by one Party who has duly appointed an Arbitrator to the other Party, stating the Matter to be referred, and accompanied by a Copy of such Appointment, the Party to whom Notice is given fail to appoint an Arbitrator, the Arbitrator appointed by the Party giving the Notice shall be deemed to be appointed by and shall act on behalf of both Parties; and the Award of any Arbitrator or Arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatever.

Provision in case of Death, &c. of any of the Arbitrators.

LXXI. And be it enacted, That if, before the Determination of any Matter so referred, any Arbitrator die or refuse or become incapable to act, the Party by whom such Arbitrator was appointed may appoint in Writing another Person in his Stead; and if he fail so to do for the Space of Seven Days after Notice in Writing from the

the other Party in that Behalf, the remaining Arbitrator may proceed *ex parte;* and every Arbitrator so appointed shall have the same Powers and Authorities as were vested in the Arbitrator in whose Stead the Appointment is made; and in case a single Arbitrator die, or refuse or become incapable to act, before the making of his Award, or fail to make his Award within Twenty-one Days after his Appointment, or within such extended Time, if any, as shall have been duly appointed by him for that Purpose, the Matters referred to him shall be again referred to Arbitration under the Provisions of this Act, as if no former Reference had been made.

Appointment of Umpire.

LXXII. And be it enacted, That in case there be more than One Arbitrator, the Arbitrators shall, before they enter upon the Reference, appoint, by Writing under their Hands, an Umpire; and if the Person appointed die, or refuse or become incapable to act, the Arbitrators shall forthwith appoint another Person in his Stead; and in case the Arbitrators neglect or refuse to appoint an Umpire for Seven Days after being requested so to do by any Party to the Arbitration, the Court of General or Quarter Sessions shall, on the Application of any such Party, appoint an Umpire; and the Award of the Umpire shall be binding, final, and conclusive upon all Persons, and to all Intents and Purposes whatsoever; and in case the Arbitrators fail to make their Award within Twenty-one Days after the Day on which the last of them was appointed, or within such extended Time, if any, as shall have been duly appointed by them for that Purpose, the Matters referred shall be determined by the Umpire; and the Provisions of this Act with respect to the Time for making an Award, and with respect to extending the same, in the Case of a single Arbitrator, shall apply to an Umpirage.

Time within which Award must be made.

LXXIII. Provided always, and be it enacted, That the Time for making an Award under this Act shall not be extended beyond the Period of Three Months from the Date of the Submission, or from the Day on which the Umpire shall have been appointed (as the Case may be).

Arbitrators may require the Production of Documents, &c., and may examine Witnesses, and determine Costs.

LXXIV. And be it enacted, That the Arbitrator, Arbitrators, or Umpire appointed by virtue of this Act may require the Production of such Documents in the Possession or Power of either Party as they or he may think necessary for determining the Matters referred, and may examine the Parties or their Witnesses on Oath; and the Costs of and consequent upon the Reference shall be in the Discretion of the Arbitrator or Arbitrators or of the Umpire (in case the Matters referred are determined by an Umpire, under the Power herein-before contained in that Behalf); and any Submission to Arbitration under the Provisions of this Act may be made a Rule of any of the Superior Courts, on the Application of any Party thereto.

Submission to Arbitration may be made Rule of Court.

Declaration to be made by Arbitrator and Umpire.

LXXV. And be it enacted, That before any Arbitrator or Umpire shall enter upon any such Reference as aforesaid he shall make and subscribe

Arbitration.

subscribe the following Declaration before a Justice of the Peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and 'honestly, and to the best of my Skill and Ability, hear and 'determine the Matters referred to me under the Provisions of the 'Act passed in the Year of the Reign of Queen 'Victoria, intituled [*here insert the Title of this Act*]. *A.B.*'

And such Declaration shall be annexed to the Award, when made; and if any Arbitrator or Umpire shall wilfully act contrary to such Declaration he shall be guilty of a Misdemeanor.

Rates.

Power to Commissioners to levy a District Sewers Rate for apportioned Part of general Expenses of the Commission, and for the Expenses special to the District.

LXXVI. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time as occasion shall require, to levy and raise on each separate Sewerage District within the Limits of the Commission a separate Rate, to be called "The District Sewers Rate," in respect of such Portion as in the Judgment of the Commissioners should be borne by such separate Sewerage District of the Expenses of repairing, cleansing, and maintaining in effective Action the Sewers already made and completed, and which from Time to Time shall be made and completed within the Limits of the Commission, and the Payments to and general Expenses of the Commissioners and their Officers and Servants, and the Expense of making and completing the said Map and Survey, and such other Expenses authorized by this Act as shall in the Opinion of the Commissioners be incurred for or on account of or enure to the common Benefit of all the Sewerage Districts, or shall not be defrayed out of any other Rate or Rates hereby authorized to be made, and in respect of any Expenses or Portion of Expenses of making, or of enlarging, contracting, or otherwise improving, or altering, discontinuing, closing, or destroying, any Sewer, or of any other Works of a permanent Nature, where such Expenses or Portion of Expenses, in the Judgment of the Commissioners, shall be incurred for the special Benefit of such separate Sewerage District, or ought to be charged thereon under this Act, and also in respect of any Mortgages or other Debts or Liabilities which would have been paid or answered out of Rates raised in such District in case this Act had not been passed; and such District Sewers Rate shall in each Case be levied on the Persons and in respect of the Property within such District by Law rateable to the Relief of the Poor, or shall be raised by Precepts in manner herein-after provided: Provided always, that the District Sewers Rate shall not exceed in any One Year the Sum of One Shilling in the Pound of the net annual Value of the Property rateable thereto, such Value being ascertained as herein mentioned: Provided also, that where in any separate Sewerage District any Property is by Law or by the Practice of the existing Commissions or Commissioners of Sewers entitled to Exemption, wholly or partially, from, or to any Reduction or Allowance in respect of the Sewers Rate, the Commissioners shall in making the District Sewers Rate observe and allow such Exemption, Reduction, or Allowance.

Maximum of District Sewers Rate.

Existing Exemptions to be allowed.

District Rates to be prospective

LXXVII. And be it enacted, That every District Sewers Rate to be made under this Act shall be made for or in respect of a specified Period,

Period, not exceeding One Year; and every such Rate may be made prospectively, in order to raise Money for the Payment of future Expenses, or retrospectively, in order to raise Money for the Payment of Expenses already incurred; provided that as respects all Expenses (other than the Expenses of executing permanent Works, the Expense of making and completing the said Map and Survey, and such other Expenses as herein-after mentioned,) the Commissioners shall cause the same to be defrayed by Rates made prospectively, or by Rates made not more than One Year after such Expenses shall have been incurred; but as respects the Expenses of executing permanent Works, and the Expenses of making and completing the said Map and Survey, and any other Expenses for Purposes of permanent or durable Benefit, it shall be lawful for the Commissioners from Time to Time to raise by Rates such Sums as in their Judgment will be sufficient to discharge the Amount of such Expenses, or the Money borrowed in respect thereof, under the Powers herein-after contained, with the Interest and incidental Charges in respect thereof, within such Period, not exceeding Thirty Years, as the Commissioners, having regard to the Nature or Durability of such Works or Benefit, shall in each Case determine.

for future Expenses, or retrospective for Expenses already incurred.

As to the Payment of Expenses for permanent Works.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners either to impose the District Sewers Rate in gross upon Parishes or Places in whole or in part within the Areas rateable thereto respectively, and wherein any Poor Rate or other equal Pound Rate is collected, or to asses, levy, and collect such Rates upon and from the Occupiers of the Property rateable, as they from Time to Time shall think proper.

Commissioners may impose District Rate in gross on Parishes, or assess Occupiers separately.

LXXIX. Provided always, and be it enacted, That as between Landlord and Tenant, every Tenant, whether his Tenancy shall have commenced before or after the passing of this Act, and who if this Act had not been passed would have been entitled to deduct against or to be repaid by his Landlord any Sum paid by such Tenant on account of the Sewers Rate, shall in like Manner be entitled to deduct against or to be repaid by his Landlord any Sum which shall be paid by him on account of a District Sewers Rate under this Act.

Tenant not liable to Sewers Rate to be repaid District Rate by Landlord.

LXXX. And be it enacted, That the District Sewers Rate, where the same shall not be imposed in gross on Parishes or Places, shall be assessed upon the net annual Value of the Property rateable thereto ascertained by the Rate (if any) for the Relief of the Poor made next before the making of the respective Assessments under this Act: Provided always, that if in any District or Part of a District there be no Rate for the Relief of the Poor, the said District Sewers Rate shall be made upon an Estimate of the net annual Value of the several Premises liable thereto in such District or Part of a District, by a fit Person appointed by the Commissioners in that Behalf; and such Estimate shall be made, as near as Circumstances will permit, in the Manner prescribed in an Act passed in the Seventh Year of King *William* the Fourth, intituled *An Act to regulate Parochial Assessments,*

As to Assessment of District Rate where not imposed in gross.

Where no Poor Rate, Estimate to be made in Manner prescribed by 6 & 7 W. 4. c. 96.

Rates.

ments, or any other Act for the Time being in force for regulating Parochial Assessments.

Power to levy, in certain Cases, a Special Sewers Rate.

LXXXI. And be it enacted, That when in the Judgment of the Commissioners the Expenses of making, or of enlarging or otherwise improving or altering, any Sewer, shall be incurred in whole or in part for the special Benefit or Drainage of any Street or Place, Lands or Tenements, not co-extensive with any separate Sewerage District, it shall be lawful for the Commissioners from Time to Time to levy on the Occupiers of the Lands or Tenements in such Street or Place, or of the Lands or Tenements so specially benefited, a Rate to be called "A Special Sewers Rate," such special Sewers Rate to be in each Case of such Amount as in the Judgment of the Commissioners will be sufficient to discharge the Amount of such Expenses, or such Portion thereof as ought in the Judgment of the Commissioners to be charged on such Occupiers, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine; and such Special Sewers Rate shall be made for or in respect of a specified Period, not exceeding One Year, and may be made prospectively, in order to raise Money for the Payment of future Expenses, or retrospectively, in order to raise Money for the Payment of Expenses already incurred, and shall be assessed and levied upon the Occupiers of such Lands or Tenements in proportion to the several Lengths of Frontage abutting on such Sewer as aforesaid, or, where all the Lands or Tenements specially benefited or drained by such Works as aforesaid shall not abut on or adjoin such Sewer, or where in any other Case an Assessment according to Frontage shall appear to the Commissioners inequitable, then in such Proportion as the Commissioners shall determine such Lands or Tenements to be benefited by such Works: Provided always, that the Special Sewers Rate shall not exceed in any One Year the Sum of Sixpence *per* Foot of Frontage of any Lands or Tenements on which the same shall be charged, except in the Case of a Square or other open wide Space in front, and in such Case the Rate shall not exceed One Shilling *per* Foot of Frontage as aforesaid.

Power to Commissioners to levy an Improvement Rate in certain Cases.

LXXXII. And be it enacted, That whenever the Commissioners shall have incurred any Expenses which are authorized by this Act to be paid by an Improvement Rate, it shall be lawful for the Commissioners from Time to Time to levy upon the Occupier of the Premises in respect of which the Expenses have been incurred a Rate to be called "An Improvement Rate," of such Amount in each Case as in the Judgment of the Commissioners will be sufficient to discharge such Expenses, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, within such Period not exceeding Thirty Years as the Commissioners shall in each Case determine, and such Improvement Rate shall be made for or in respect of a specified Period not exceeding One Year: Provided always, that the Amount to be levied by Improvement Rates, or as Charges for Default, in respect of Works of private Benefit to any Property, shall not in any Term of Ten successive Years exceed One Year's Rack Rent of the Property

Amount of Improvement Rate, and Charges for Default, limited.

on which the same shall be charged, without the written Consent of the Owner of such Property. *Rates.*

LXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to settle and ascertain the Amount of the Expenses in respect of which the several Rates hereby authorized should be made, and to apportion as between several Rates any Expenses incurred or to be incurred under this Act, and also to apportion, as between Two or more separate Sewerage Districts, the Amount to be levied on such separate Sewerage Districts respectively in respect of any Expenses or Portion of Expenses which shall be incurred for the general Benefit of such Two or more Districts, and also to apportion, as between several Premises or the Occupiers thereof, any Expenses which are authorized by this Act to be raised by a Special Sewers Rate, or an Improvement Rate, or as Charges for Default respectively; and the Certificate in Writing under the Hand of a Surveyor of the Commissioners, stating the total Expense of any Work in respect of which any Special Sewers Rate or any Improvement Rate shall be made, or any Sum shall be decreed to be paid as Charges for Default, shall be conclusive Evidence of the Amount of such Expense.

Commissioners to ascertain Amount of Expenses to be defrayed by the respective Rates.

Certificate of Surveyor Evidence of Expense of special Works.

LXXXIV. And be it enacted, That whenever any Premises in respect of which any Special Sewers Rate or Improvement Rate shall be made shall be unoccupied at the Time of the making of such Rate, or shall become unoccupied before the same shall be fully paid, such Rate shall be charged upon or shall become a Charge upon and shall be paid by the Owner of the Premises so long as the same shall continue to be unoccupied: Provided always, that it shall be lawful for the Commissioners to recover such Rate from any future Occupier of such Premises: Provided also, that every Occupier shall be entitled to deduct against or to be repaid by his Landlord the whole of any such Rate as shall be recovered as aforesaid from such Occupier, where the Period for which such Rate shall have been made shall have expired before he shall have become the Occupier, and such Portion of such Rate as shall be proportioned to such Part of the Period for which such Rate shall have been made as shall have expired before he became the Occupier where the Period for which such Rate shall have been made shall not have expired before he became the Occupier.

Owners of unoccupied Premises to pay Special and Improvement Rates.

LXXXV. And be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act shall not exceed the Sum of Ten Pounds, or where any Premises liable to such Assessment shall be let to weekly or monthly Tenants, or in separate Apartments, and the Rents shall become payable or shall be collected at any shorter Period than quarterly, it shall be lawful for the Commissioners from Time to Time to compound with the Owner of such Premises for the Payment of the District Sewers Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed,

Landlord to be rated for Tenements under the annual Value of 10*l.*, &c.

Rates.

assessed, as the Commissioners shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the District Sewers Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition, or any such Rate to which an Owner is assessed as last aforesaid, be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein provided with respect to the Recovery of Rates made under this Act: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid: Provided also, that the Occupier or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises; and he or they may deduct any Amount paid by him or them from the Rent due or from Time to Time to become due from him or them, unless there be an Agreement to the contrary; and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

Description of Owner or Occupier in Rates if his Name unknown.

LXXXVI. And be it enacted, That whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Commissioners, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description.

Power to Commissioners to inspect Poor Rates, and to take Copies, &c. of the same, and may require the Collector to examine and verify the same.

LXXXVII. And be it enacted, That it shall be lawful for the Commissioners, by Order in Writing, to authorize their Clerk, or any Person on their Behalf, from Time to Time to inspect any of the Rates for the Relief of the Poor in any Parish or Place within the Limits of the Commission, and the Books in which are contained the Assessments by which the same are made, and to take Copies thereof or Extracts therefrom respectively; and it shall be lawful for the Commissioners, by Order in Writing, to require the Collector or Person having the Custody of such Rates or Books as aforesaid for such Parish or Place to furnish without Delay a true Copy of such Rate Book, or of such Part of the Rate Book in his Custody as shall include all the Persons and Property within the Bounds marked upon any Plan annexed to or referred to in the Order for such Copy, on Payment or Tender for such Copy at the Rate of Sixpence for every Twenty-four Names (inclusive of all the Particulars in the several Columns of the Rate, so far as such Particulars have reference to such Names respectively), and such Copy shall be examined and signed by such Collector or Person, and shall be verified by his solemn Declaration, if the Commissioners shall require the same, which solemn Declaration

tion any Justice of the Peace is hereby empowered to administer; and any Person having the Custody of such Rates or Books respectively, who shall not at all reasonable Times produce the same respectively to such Clerk or Person so authorized as aforesaid, and permit him to inspect the same, and take Copies thereof or Extracts therefrom, as he shall think fit, or who shall refuse or neglect to make such Copy or such solemn Declaration as aforesaid, shall be liable to a Penalty not exceeding Twenty Pounds for every such Offence. *Rates.*

Proportion of Special Rate and Improvement Rate may be deducted from Rent.

LXXXVIII. And be it enacted, That if the Occupier by whom any Special Sewers Rate or Improvement Rate shall be paid shall hold the Premises in respect of which the Rate shall be made at a Rent not less than the Rack Rent, he shall be entitled to deduct Three Fourths of the Amount paid by him on account of such Rate from the Rent payable by him to his Landlord; and if he hold at a Rent less than the Rack Rent he shall be entitled to deduct from the Rent so payable by him a Sum bearing the same Proportion to Three Fourths of the Amount so paid by him on account of Rate as his Rent shall bear to the Rack Rent; and if the Landlord from whose Rent any Deduction shall be made under the Provision last aforesaid be himself liable to the Payment of Rent for the Premises in respect of which the Deduction shall be made, and hold the same for a Term of which less than Twenty Years shall be unexpired, but not otherwise, he may deduct from the Rent so payable by him a Sum bearing the same Proportion to the Sum deducted from the Rent payable to him as the Rent payable by him shall bear to the Rent payable to him; and so in succession with respect to every Landlord (holding for a Term of which less than Twenty Years shall be unexpired) of the same Premises, both receiving and liable to pay Rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any Person to deduct from the Rent payable by him more than the whole Sum deducted from the Rent payable to him.

Owners, &c. may redeem Special and Improvement Rates.

LXXXIX. And be it enacted, That at any Time before any Expenses in respect of which Special Sewers Rates or Improvement Rates may be made under this Act, with the Interest thereon, shall be fully paid, it shall be lawful for the Owner or Occupier of the Property rateable thereto to redeem the same by paying to the Commissioners the Expenses in respect of which such Special Sewers Rates or Improvement Rates may be imposed, or such Part thereof as shall remain unpaid after applying the Rate or Rates (if any) previously levied towards the Discharge of such Expenses, with Interest.

Notice of District Rate.

XC. And be it enacted, That Notice of the Intention of making every District Sewers Rate, and of the Time at which the same is intended to be made, and of the Place where the proposed Rate is deposited for Inspection, shall be given by the Commissioners, by Advertisement in Three daily Morning Newspapers circulating in *London* or *Westminster* in the Week immediately previous to the Day on which the Rate is intended to be made, and at least Seven Days

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Days previously thereto; and at the Day appointed for making the Rate the Commissioners shall receive and consider the Objections in Writing of any Parties interested therein before they shall make such Rate; and every District Sewers Rate not imposed in gross shall be fairly transcribed in a Book to be kept for that Purpose, and may be in the Form given in the Schedule (A.) annexed to this Act, or as near thereto as the Circumstances of the Case will permit; and every such Rate shall be signed by not less than Six of the Commissioners; and Notice of every District Sewers Rate made, and of the Court Days to be held within One Month thereafter on which Appeals may be heard against the same, shall be affixed on a Board provided for that Purpose in the principal Office of the Commissioners, and shall be affixed in the Branch Office (if any) of the Commissioners in the District.

Form of Rate when not imposed in gross.

Notices to be given of Special and Improvement Rates.

XCI. And be it enacted, That a Notice of every Special Sewers Rate and Improvement Rate shall be given to the Owner or Occupier of the Land or Tenement affected thereby, in manner herein provided for giving Notices to Owners or Occupiers; and every Special Sewers Rate and Improvement Rate shall be sealed with the Seal of the Commissioners, and signed by their Clerk.

Proposed Rates, and Rates when made, to be open to Inspection.

Penalty on Clerk, &c. refusing Inspection.

XCII. And be it enacted, That every proposed Rate, and every Rate immediately after the same is made, shall be open to the Inspection of any Officer or Person interested, or rated in or to such Rate, at all reasonable Times; and such Officer or Person may take Copies or Extracts of or from such proposed Rate, or Rate, without Fee or Reward; and any Clerk or Person having the Custody of such proposed Rate, or Rate, who shall not permit any such Inspection, or any such Copies or Extracts to be taken as aforesaid, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power to Commissioners to amend Rates from Time to Time.

XCIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate, by substituting the Name of any Person as Owner or Occupier for the Name of any Person whose Name may have been incorrectly inserted in such Rate, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, where such Person shall appear to the Commissioners to have been under-rated or over-rated, as the Case may be, or by making such other Amendments therein as will make such Rate conformable to the Provisions of this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that the Persons whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before their Rates shall be payable, and that all Persons shall have the same Right of Appeal from any such Alteration as they would have had if the Alteration had been originally Part of the Rates, and as respects such Persons the Rates shall be considered to have been made at the Time when they received Notice of such Alteration.

XCIV. And

Rates.

As to Appeals against District Rates where imposed in gross.

XCIV. And be it enacted, That whenever any District Sewers Rate is imposed in gross on any Parish or Place it shall be lawful for the Overseers of such Parish, or other Officers having the Control of the Collection and Receipt of the Poor Rate, or if there be no Poor Rate then for the Officers or Persons having the Collection or Receipt of any other public Pound Rate charged therewith, within One Month after the making of any such Rate, to appeal against the same to the Commissioners, if they consider their Parish or Place to be thereby over-rated or otherwise aggrieved: Provided always, that Fourteen Days Notice in Writing of such Appeal, and of the Grounds thereof, shall be given by the Parties intending to appeal to the Commissioners: Provided also, that such Rate shall be levied, notwithstanding such Appeal, until the Decision of the Commissioners shall be had upon such Appeal; but if upon the hearing of such Appeal the Commissioners shall order any Rate or Assessment to be set aside, decreased, or lowered, and it shall appear to the Commissioners that any Parish or Place has previously to the Determination of such Appeal paid any Money in consequence of such Rate or Assessment which ought not to have been paid or charged thereon, then the Commissioners shall order such Proportion of such Sum or Sums of Money as shall have been so paid by any Parish or Place subsequently to the Notice of Appeal given to be repaid or returned to the Parish or Place which paid the same, or to be carried to the Account of the next District Sewers Rate thereon.

As to Appeals against Rates when not imposed in gross.

XCV. And be it enacted, That whenever any District Sewers Rate shall be made under this Act, and shall not be imposed in gross, and in every Case where a Special Sewers Rate or an Improvement Rate shall be made under this Act, it shall be lawful for any Occupier or for any Owner or Person interested in or rated to such Rate, who shall consider himself aggrieved thereby, within One Month after the making of any such Rate to appeal against the same or the Apportionment thereof on him, on the Ground of Nonliability to pay the same, or of Unfairness or Incorrectness in the Apportionment or Assessment thereof, such Appellant giving Fourteen Days Notice of such Appeal and of the Grounds thereof, in Writing under his Hand, to the Commissioners, and if the Ground of such Objection shall be the unequal Assessment or Apportionment of Third Parties, a like Notice being given to such Parties.

Proceedings on Appeals.

XCVI. And be it enacted, That the Commissioners shall, on their usual Court Days during the Period of Appeal, or at some Adjournment thereof, proceed to investigate the Matter of such Appeal as aforesaid, by the Examination of such Witnesses and Evidence as the Parties shall produce, or by the Examination of such other Witnesses and Evidence as to the Commissioners shall seem right; and on the hearing of such Appeal the Commissioners may amend, alter, or quash the Rate or Assessment, or correct the Apportionment objected to, as they may think proper; and the Decision of the Commissioners shall be final; nevertheless the Commissioners are hereby empowered to try such Question by a Jury, in the same Manner as a Traverse of a Presentment of Rateability is triable

Rates.

according to the Laws and Usages of Sewers; and in case no Complaint shall be made against such Rate or the Apportionment thereof within One Month after the making of such Rate, the same shall be final and conclusive on all Parties and Places whatsoever.

As to Collection of Rates imposed in gross:

XCVII. And be it enacted, That it shall be lawful for the Commissioners (if they think fit) to issue Precepts requiring Payment to their Treasurer, within Times in such Precepts respectively to be limited, of the Sums assessed in gross on Parishes or Places within the Limits of the Commission, to the Officers intrusted and empowered by Law to levy Rates in such Parishes or Places respectively, and such Officers shall obey and execute the same Precepts in manner herein-after mentioned; (that is to say,) in the Case of a Parish wholly situate within the Limits of the Commission, and comprised within a Poor Law Union of Parishes, such Precept to issue to the Guardians of such Union requiring them to pay the Rate thereon assessed by the Commissioners for each such Parish of their Union out of the Monies held or to be received by them on its Behalf, and such Precept shall have Force in every such Union in regard to every such Parish, notwithstanding that the Place of Meeting of the Guardians may not be situate within the Limits of the Commission, and the said Guardians shall raise the Monies required by such Precept to be paid in like Manner as the Monies required by such Guardians for the Relief of the Poor, and the said Guardians shall pay such Monies at the Times limited and in the Manner prescribed by such Precept, and may pay separately to the Treasurer of the Commissioners the whole Sum or Sums (but not less than the whole Sum or Sums) charged on any One or more of such Parishes respectively; and in the Case of a Parish wholly or in part situate within the Limits of the Commission not comprised in a Poor Law Union, such Precept to issue to the Overseers or other Managers of the Poor of such Parish, to pay the Rate thereon assessed by the Commissioners out of the Monies held or to be received by them on its Behalf, and the said Overseers or Managers of the Poor shall raise the Monies required by such Precept in like Manner as the Monies by them required for the Relief of the Poor; and in the Case of a Parish comprised in a Poor Law Union a Part only of which Parish is situated within the Limits of the Commission, and in the Case of every Place not maintaining its own Poor, but in which any public Pound Rate is collected, such Precept to issue to the Vestrymen or other Persons empowered by Law to levy such public Pound Rate thereon, to pay the Rate assessed on such Part of a Parish or such Place out of the Monies held or to be received by them in its Behalf, and such Vestrymen or Persons shall raise the Money required by such Precept in like Manner as any such public Rate.

from Guardians of Unions;

from Overseers of Parishes not in Union;

from other Persons where Part only of a Parish in Union is under the Commission, but is a District for Rating.

Enforcement of Precepts originally issued to Guardians.

XCVIII. And be it enacted, That in case the said Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish in their Union, the Commissioners may cause to be issued to the Overseers of the Poor, or other Officers or Persons empowered by Law to levy Poor

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Poor Rates or other public Rates in such Parish, a Warrant to collect and pay to the Treasurer of the Commissioners, within a Time to be limited in such Warrant, the Rate charged by the Commissioners on such Parish, together with an Addition to such Rate in the Proportion of One Shilling to every Ten, and such Addition to the said Rate shall be applied in like Manner as the original Amount of such Rate; and such Overseers or other Officers or Persons may reimburse themselves, as well for such additional Sum as for the original Amount of such Rate, out of the Monies which they are respectively empowered to raise or levy; and if the Overseers or other Persons as aforesaid refuse, make default, or neglect to pay to the Treasurer of the Commissioners within the Time limited as aforesaid the Sum or Sums of Money specified in such Warrant, it shall be lawful for any Justice of the Peace and he is hereby required, on Complaint by the Clerk or Treasurer of the Commissioners, by Warrant under the Hand of such Justice of the Peace, to levy the same by Distress and Sale of the Goods of the Defaulters or Defaulter.

For indemnifying Parishes whose Funds are anticipated from Default of other Parishes in the Union.

XCIX. Provided always, and be it enacted, That in every Case where any Parish comprised in a Union has, on or before the Day on which any Precept should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay the Sum or Sums required by such Precept to be paid in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other the Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay the Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten, as herein-before provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid the said Guardians shall charge such additional Sum and Costs among such Parishes in proportion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

Enforcement of Precepts not originally issued to Guardians.

C. And be it enacted, That in case the Overseers or other Managers of the Poor of any Parish, or the Vestrymen or other Persons empowered to levy Rates in any Part of a Parish or in any Place as aforesaid, to whom any Precept shall have been issued under this Act, refuse, make default, or neglect to pay to the Treasurer of the Commissioners, within the Time limited in such Precept as aforesaid, the Sum or Sums of Money specified therein, and if the Clerk or

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or Treasurer of the Commissioners make Complaint thereof to any Justice of the Peace, such Justice may, by Warrant under his Hand, levy the same by Distress and Sale of the Goods of the Defaulter or Defaulters.

Power for Commissioners, where Rate is not made in gross, to collect it, to consolidate the Assessment and Collection with the Poor Rate or other Rate, and issue Precepts for the same.

CI. And be it enacted, That in case any District Sewers Rate shall not be imposed in gross, and in the Case of Special Sewers Rates and Improvement Rates, it shall be lawful for the Commissioners to collect the same respectively from the Parties rated or liable thereto, and for such Purpose raise and levy the same by Distress and Sale in manner herein provided, and otherwise to enforce the same according to the Law of Sewers; or the Commissioners may, if they think fit, consolidate the Collection thereof with the Poor Rate, or any other equal Pound Rate for public or local Purposes, levied on the Occupiers of the Lands or Tenements rateable, or other Persons who of right ought to pay such Rates under this Act, and for that Purpose may issue Precepts to the Overseers or other Persons having the Collection of such Poor Rate or other Pound Rate, specifying the Property and Persons rateable and chargeable, and the Amount of Rate to be from Time to Time collected from them, and requiring Payment thereof to the Treasurer of the Commissioners at a Time therein mentioned; and such Precept shall be enforced and executed by the Persons to whom the same is addressed in the same Manner as the Warrant or Authority to levy the Rate with the Collection of which such Rate under this Act is consolidated may be enforced and executed.

Precepts and Warrants to specify Exemptions, &c.

CII. Provided always, and be it enacted, That where Part only of a Parish or Place shall be subject to a District Sewers Rate, and where in any Parish or Place any Property shall be entitled to any Exemption, Reduction, or Allowance from or in respect of any District Sewers Rate, the Commissioners shall in their Precept or Warrant specify (as the Case may require) the Part so subject, and the Particulars of every such Exemption, Reduction, or Allowance, and the Commissioners may also in any such Precept or Warrant make an Allowance to a Parish or Place for Premises therein in respect of which a Composition for Payment of the District Sewers Rate upon a reduced Estimate of the net annual Value might have been made by the Commissioners with the Owners under the Provision herein-before contained.

As to the Service of Precepts.

CIII. And be it enacted, That the several Precepts and Warrants of the Commissioners herein-before mentioned may be delivered or sent by Post as a registered Letter according to the Regulations of the Postmaster General for the Time being in that Behalf; and every Precept delivered or tendered to the Address of the Person to whom it is addressed shall be deemed to have been served on the Person to whom the same was so delivered or tendered, and if delivered or tendered to the Clerk or other like Officer acting for the Guardians of a Union or other Managers of the Poor shall be deemed to have been served on the whole of the said Guardians or Managers, and if delivered or tendered to any One Overseer or Vestryman shall be deemed

deemed to have been served on the whole of the Overseers or Vestrymen of the Place. *Rates.*

Officer levying Rate imposed in gross to allow Exemption, &c., and give Receipts showing Sums levied in respect of the Rate.

CIV. And be it enacted, That the Guardians and other Persons empowered by any Precept or Warrant of the Commissioners to raise Monies in any Parish or Place in respect of any District Rate imposed in gross under this Act shall, where Part only of the Parish or Place shall be subject to such Rate, raise such Monies upon the Part only which shall be so subject, and shall in every Case in raising the same observe and allow the Exemptions, Reductions, or Allowances specified in such Precept or Warrant, and shall also give or cause to be given to every Person by whom any Money shall be paid in respect of such Rate a Receipt or Certificate showing the Amount paid by such Person in respect of such Rate, with Notice that the same may be deducted from the Rent payable in respect of the Premises for which such Money shall be so paid where such Tenant would be authorized to deduct Sewers Rate, and such Tenant shall be entitled to deduct or to be repaid the same in like Manner as if the Amount so paid by him had been paid on account of a District Sewers Rate originally assessed upon him by the Commissioners.

Extra Allowance may be made to Poor Rate Collectors.

CV. And be it enacted, That the said Guardians, Overseers, Managers of the Poor, Vestrymen, and other Persons empowered to levy Rates may give to their Collectors or other Officers employed in the Collection and Levy of Rates such Poundage or other Allowance for their Trouble in the Collection of Rates under this Act as to the Commissioners shall seem reasonable and meet.

Mortgage of Rates.

Power to Commissioners to borrow Money on Mortgage of the Rates.

CVI. And be it enacted, That it shall be lawful for the Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, to borrow and take up at Interest on the Credit of all or any of the Rates authorized to be made or collected under this Act any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums shall be advanced the respective Rates upon the Credit of which such Sums shall be borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sums so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage.

No Priority amongst Mortgagees.

Commissioners of Public Works under 5 & 6 Vict. c. 9. may make Advances to

CVII. And be it enacted, That it shall be lawful for the Commissioners acting in the Execution of an Act passed in the Second Session of the Fifth Year of Her Majesty's Reign, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment*

Commissioners under this Act.

Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Metropolitan Commissioners of Sewers upon the Security of all or any of the Rates to be levied by them under this Act, and without requiring any further or other Security than a Mortgage of such Rates.

Money may be borrowed at lower Rates of Interest to pay off Securities bearing a higher Rate.

CVIII. And be it enacted, That if the Commissioners can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, it shall be lawful for them so to borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and to charge the Rates which they are authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages.

CIX. And be it enacted, That if at the Time appointed in any Mortgage Deed for Payment of the Principal Money secured thereby the Commissioners are unable to pay off the same, it shall be lawful for them to borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and to secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for defraying Expenses incurred by the Commissioners in the Execution of this Act.

Form of Mortgage.

CX. And be it enacted, That every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the Commissioners, and may be made according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the Commissioners and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept at the Office of the Commissioners a separate Register of the Mortgages upon each Kind of Rate, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the proper Register, of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

Register of Mortgages.

Repayment of Money borrowed at a Time agreed upon.

CXI. And be it enacted, That the Commissioners may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such

Mortgage of Rates.

such Monies, with Interest, by Instalments, or otherwise as they may think fit; and in case the Commissioners shall fix the Time or Times of Repayment they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the Commissioners.

Interest on Mortgages to be paid half-yearly.

As to Repayment of Money borrowed when no Time has been agreed upon.

CXII. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Commissioners may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be given in manner herein provided for Service of Notices on the Commissioners, and if given by the Commissioners shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee or his Residence be unknown to the Commissioners, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette;* and if the Commissioners shall have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Commissioners fail to pay the Principal and Interest due, at the Expiration of such Notice, on such Mortgage.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

Payment of Principal and Interest may be enforced by the Appointment of a Receiver.

CXIII. And be it enacted, That if at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint, in Writing under their Hands and Seals, some Person to collect and receive the whole or a competent Part of the Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Rates, and shall be rateably apportioned between or among them: Provided always, that no such Application

Mortgage of Rates.

Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees to whom there may be due, after such Lapse of Time, and Demand, as last aforesaid, Monies collectively amounting to that Sum.

Accounts of Commissioners to be open to Mortgagees at all seasonable Times.

CXIV. And be it enacted, That the Books of Account of the Commissioners shall be open at all seasonable Times to the Inspection of the Mortgagees or Transferees of Mortgagees under this Act, with Liberty to make Extracts therefrom without Fee or Reward; and any Clerk or other Person having the Custody of such Books, and refusing to allow such Inspection or such Extracts to be made, shall be liable to a Penalty not exceeding Five Pounds.

Transfer of Mortgages.

CXV. And be it enacted, That any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (C.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of the Commissioners a separate Register of the Transfers of Mortgages charged upon each Kind of Rate; and within Thirty Days after the Date of such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk, who shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Register of Transfers.

Expenses of Works within the City of London.

Expenses incurred by Metropolitan Commissioners for Works within the City of London to be paid by the Chamberlain.

CXVI. And be it enacted, That it shall be lawful for the Metropolitan Commissioners of Sewers from Time to Time to settle and ascertain the Expenses incurred by them in respect of any Works within the City of *London* or the Liberties thereof which shall be rendered necessary by the Neglect or Default of the Commissioners of Sewers of the City of *London* to do or perform the same, and to raise the same by Precept to the Chamberlain of the City of *London*, as herein-after mentioned: Provided always, that it shall not be lawful for the Commissioners to raise by such Precept as aforesaid any further or greater Proportion of such Expenses than ought, under or by virtue of the Provisions of this Act, to be borne or defrayed by the Commissioners of Sewers of the City of *London*.

CXVII. And

Expenses of Works within the City of London.

Metropolitan Commissioners to issue a Precept to Chamberlain of London.

CXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to issue a Precept to the Chamberlain of the City of *London*, requiring Payment to their Treasurer of any Sum which the Commissioners shall be entitled to have repaid to them by the Commissioners of Sewers of the City of *London*; and the said Chamberlain shall, out of any Monies in the Chamber of the said City, pay to the Treasurer of the said Commissioners the Sum required by such Precept, within Three Months after the Service thereof; and all Payments to be so made by the said Chamberlain shall be charged by him against and reimbursed to him out of any Rates which the Commissioners of Sewers of the City of *London* may levy under the said Act of the Eleventh Year of King *George* the Third, and the said Acts amending the same; and such last-mentioned Commissioners shall from Time to Time make or cause to be made such Rates as shall be necessary for that Purpose.

General Provisions as to Application of Monies.

Commissioners may apply Rates to any Purposes of the Act, but Liabilities of Rate-payers not to be affected.

CXVIII. And be it enacted, That it shall be lawful for the Commissioners to apply any Monies received by them in respect of any Rates, or otherwise under this Act, in the Discharge of any Monies owing by the Commissioners, or in any Payment authorized by this Act; but such Application shall not affect the Power of the Commissioners to make any Rate or Addition to Rate in respect of any Money borrowed or Expenses which shall have been paid or defrayed out of any Rate or Rates other than the Rate or Rates primarily applicable thereto, nor extend the Liability of any Person in respect of any Rate or Payment to which he would be otherwise subject under this Act.

Commissioners may form a sinking Fund for Discharge of Mortgages.

CXIX. And be it enacted, That in order to provide a Fund for the Discharge of any Money which shall have been borrowed under the Powers of this Act it shall be lawful for the Commissioners from Time to Time to cause any Money received by them under this Act, and which for the Time being shall not be required for any other Purposes of this Act, to be invested in the Purchase of Exchequer Bills, or Government Stocks, Funds, or Securities, and from Time to Time to cause to be invested in like Manner the Interest and Dividends thereof, so as to accumulate the same at Compound Interest until the same can be applied for the Discharge of such Money borrowed, or for any other Purposes of this Act.

Accounts.

Commissioners to cause Books of Accounts to be kept, which shall be open to Inspection.

Penalty for refusing Inspection.

CXX. And be it enacted, That the Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein of all Rates and other Monies levied, received, and recovered by the Commissioners, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid, and the respective Districts or Places in and for which Monies were collected and expended; and the Commissioners, and the Rate-payers, and every Creditor on the Rates, may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books, who shall not, on any reasonable Demand of any such Commissioner, Rate-payer, or Creditor as aforesaid, permit him to inspect such Books, or to take such Copies or

Extracts as aforesaid, shall be liable to a Penalty not exceeding Five Pounds for every such Offence; and the Commissioners shall in the Month of *January* in every Year cause their Accounts to be balanced up to the Thirty-first Day of *December* of the preceding Year; and the Commissioners shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended by virtue of this Act during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and the Commissioners shall give public Notice by Advertisement, to be inserted not less than Twice in each of Two daily Morning Newspapers circulating in *London* and *Westminster*, that such Statement and Account is prepared and ready for the Inspection of the Rate-payers and Creditors on the Rates, and of the Day fixed for auditing the Accounts; and the Commissioners shall allow such Statement and Account to remain for Inspection at their principal Office; and every such Rate-payer and Creditor may at all reasonable Times before the Day of Audit inspect such Statement and Account, and compare the same with the Books and Documents relating thereto in the Possession of the Commissioners, on Payment of a Fee of One Shilling for each Inspection.

Accounts to be balanced, and an annual Statement to be prepared, and when deposited at the Office to be open for Inspection.

CXXI. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall, in the Month of *January* in each Year, by Order under his Hand, appoint One or more fit Person or Persons to examine and audit the Accounts of the Commissioners for the preceding Year; and every such Auditor shall be paid by the Commissioners Two Guineas for every Day he shall be fully employed on such Audit, and all such Expenses as he shall be put to in the auditing of such Accounts; and the Auditor or Auditors appointed as aforesaid shall, in the Month of *February* in each Year, on such Day or Days as shall be fixed by him or them for the Audit of the Accounts, attend at the principal Office of the Commissioners, and shall give to the Commissioners at least Fourteen Days previous Notice in Writing of the Time so fixed for such Audit; and the Commissioners shall, by their Clerks, Treasurers, and other Officers, produce and lay before the Auditor or Auditors at every such Audit the Accounts of the Commissioners for the Year preceding, together with the Statement and Account herein-before mentioned, accompanied by proper Vouchers for the Support of the same, and submit to his or their Inspection all Books, Papers, Instruments, and Writings in their Custody or Control relating thereto; and such Auditor or Auditors, in the Presence of such of the Commissioners and of the Rate-payers and Creditors on the Rates as shall desire to attend, shall audit the Accounts herein-before mentioned, and may examine any of the Commissioners or their Officers whom he or they shall deem accountable (and whom he or they is and are hereby empowered to summon to appear before him or them for the Purpose of such Examination) touching the said Accounts, and shall also hear any Complaint which any such Rate-payer or Creditor shall at the Time of

Auditors to be appointed by Secretary of State, who shall be remunerated by the Commissioners.

Auditors to give Notice to Commissioners, who shall produce their Accounts to him, with all Vouchers for Support of the same.

Accounts to be audited in Presence of Commissioners and Rate-payers who may desire to attend.

of such Audit make touching such Accounts; and if such Accounts be found correct, such Auditor or Auditors shall sign the same, in token of his or their Allowance thereof, and such Allowance shall be final and conclusive on all Parties. *Accounts.*

CXXII. And be it enacted, That the Commissioners shall, after such Audit of Accounts as aforesaid, cause an Account in Abstract to be prepared, showing the Receipt and Expenditure under this Act for the preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditor or Auditors, if he or they shall have allowed such Accounts, or of the Parts, if any, which he or they shall have disapproved of such Accounts, and also a summary Statement and Report of all Contracts entered into by the Commissioners in such preceding Year, and of the Monies owing to and Debts owing by the Commissioners on the Thirty-first Day of *December* of such preceding Year, and of the Works commenced and completed respectively in such preceding Year, and the Works remaining in progress at the Termination of such Year; and such Account in Abstract and Statement and Report shall be laid before both Houses of Parliament in the Month of *March* in each Year, if Parliament be sitting, or if Parliament be not sitting then within One Month after the next Meeting of Parliament; and in the Month of *March* in each Year a Copy of such Account in Abstract and Statement and Report respectively for each Parish wholly or in part within the Limits of the Commission comprised in a Union of Parishes shall be sent to the Guardians of such Union, and for each Parish wholly or in part within such Limits not comprised in a Union shall be sent to the Managers of the Poor of such Parish. Abstract of annual Accounts and Report to be laid before Parliament.

CXXIII. And be it enacted, That the Commissioners may from Time to Time make, alter, and repeal Bye Laws for all or any of the Purposes following; (that is to say,) for regulating the Business and Proceedings at Courts of Sewers and of Committees, the Appointment and Removal of Officers and Servants of the Commissioners, and their Duties, Conduct, and Remuneration; for regulating, in regard to Drainage, the Plans, Level, Surface Inclination, and the Material of the Pavement and Roadway of new Streets and Roads, and the Plans and Level of Sites for building, and for regulating the Drainage of Roads and Streets into their Sewers; for regulating the Dimensions, Form, and Mode of Construction, and the keeping, cleansing, and repairing, of the Pipes, Drains, and other Means of communicating with Sewers, and the Traps and Apparatus connected therewith; for the emptying, cleansing, closing, and filling up of Cesspools and Privies, and for such other Works of cleansing and of removing and disposing of Refuse as the Commissioners are authorized to perform or require; for regulating the Assessment and Collection of Rates, Charges, and Contributions, and the Consolidation thereof with any existing Rate; the Periods for the Repayment of the Expenses of Works by the Persons or Rates chargeable with the Repayment thereof; the Forms of Rates, and the Mode and Period of and for Appeals from Special Sewers Rates and Improvement *Bye Laws.* Power to Commissioners to make Bye Laws for Purposes herein named.

Bye Laws.

ment Rates, and Charges for Default; for regulating the Form of Contracts with Commissioners, and generally for carrying into effect the Purposes of this Act; and the Commissioners may thereby impose such reasonable Penalties as they think fit, not exceeding Five Pounds, for each Breach of such Bye Laws, and in case of a continuing Offence a further Penalty not exceeding Forty Shillings for each Day after Notice of the Offence from the Commissioners: Provided always, that under every such Bye Law it shall be lawful for the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty: Provided also, that no Bye Laws shall be repugnant to the Laws of *England* or to the Provisions of this Act; and that no Bye Law shall be of any Force or Effect unless and until the same be submitted to and confirmed by a Special Court of Sewers, at which not less than Ten Commissioners shall be present; and no Bye Law shall be confirmed unless public Notice of such Bye Law, and of the Intention to submit the same to the Special Court for Confirmation, shall have been given One Month at least before the same shall be so submitted.

Penalty for Breach of Bye Laws.

Power to Justices to remit Penalties.

No Bye Laws to take effect till confirmed.

Publication of Bye Laws.

CXXIV. And be it enacted, That all Bye Laws made and confirmed as aforesaid by the Commissioners in pursuance of this Act shall be printed, with the Date of the Confirmation thereof, and hung up in the principal Office of the Commissioners, and Copies thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding Sixpence, as the Commissioners shall direct; and such Bye Laws, when so confirmed and published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same; and the Production of a printed Copy of such Bye Laws, authenticated by the Seal of the Commissioners, shall be Evidence of the Existence, and of the due Making, Confirmation, and Publication of such Bye Laws, in all Prosecutions under the same, without adducing Proof of the Seal of the Commissioners, or of the Fact of such Confirmation or Publication of such Bye Laws.

Evidence of Bye Laws.

Suits, &c. by and against Commissioners.

Suits and Proceedings by and against Commissioners to be carried on in the Name of the Clerk, who shall be reimbursed.

CXXV. And be it enacted, That the Commissioners may sue and be sued, at Law and in Equity, in the Name of their Clerk for the Time being; and in any Action of Ejectment which shall be brought or prosecuted by the Commissioners for recovering the Possession of any Land, Buildings, or other Property to be vested in the Commissioners under this Act it shall be sufficient to lay the Demise in such Action in the Name of such Clerk; and no Action or Suit to be brought or commenced by or against such Clerk in manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk, or by the Expiration or other Determination of the Commission of Sewers under which such Clerk may act as aforesaid; provided that no Execution shall issue or be had in any such Action or Suit against such Clerk until Six Months Notice shall have elapsed after final Judgment in such Action or Suit shall have been obtained; and every such Clerk in whose Name or by or against whom any such Action or Suit shall be brought, commenced, or sued shall be fully reimbursed

reimbursed and paid all such Costs, Charges, Damages, and Expenses as by the Event or in consequence of any Action, Suit, or Proceeding he shall pay, sustain, or be put unto or become chargeable with or liable to by reason of his being Plaintiff or Defendant as aforesaid, or of his Name being used as aforesaid, by and out of the Funds under the Control of the Commissioners; and if any Person against whom the Commissioners shall have any Claim or Demand become bankrupt, or take the Benefit of or become subject as an Insolvent to the Operation of any Act for the Relief of Insolvent Debtors, the Clerk of the Commissioners in all Proceedings in the Bankruptcy or Insolvency may represent the Commissioners, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Clerk, and not of the Commissioners.

Suits, &c. by and against Commissioners.

Proof of Debts in Bankruptcy.

CXXVI. And be it enacted, That the Clerk, being the Plaintiff, Prosecutor, or Defendant, or otherwise acting in any Action, Suit, or Proceeding as aforesaid, shall be competent to be a Witness therein, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Defendant, or otherwise in any such Action, Suit, or Proceeding.

Clerk, though a Plaintiff, &c., to be a competent Witness.

CXXVII. And be it enacted, That no Writ or Process shall be sued out against or served upon the Commissioners or their Clerk, or any Clerk, Surveyor, or other Officer or Person whomsoever acting under the Direction of the Commissioners, for anything done or intended to be done under the Powers of the Commissioners or of this Act, until the Expiration of One Month next after Notice in Writing shall have been delivered as herein provided concerning the Service of Notices upon the Commissioners, or, where the Action shall be against such other Officer or Person, shall have been delivered to him, or left at his Office or Place of Abode, explicitly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action, except such as is stated in the Notice so delivered, and unless such Notice be proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder; and it shall be lawful for the Commissioners, or any Person to whom any such Notice of Action is given as aforesaid, to tender Amends to the Plaintiff, his Attorney or Agent, at any Time within One Month after Service of such Notice, and in case the same be not accepted to plead such Tender in bar, and (by Leave of the Court) with the General Issue or other Plea or Pleas; and if upon Issue joined upon any Plea pleaded to the whole Action the Jury find generally for the Defendant, or if the Plaintiff be nonsuited or discontinue, or if Judgment be given for the Defendant, then the Defendant shall be entitled to full Costs of Suit, and have Judgment accordingly;

Notice of Action.

Limitation of Actions.

Venue.

General Issue.

Tender of Amends, &c.

If Tender of Amends deemed insufficient, Defendant may pay Money into Court.

accordingly; and in case Amends have not been tendered as aforesaid, or in case the Amends tendered be insufficient, it shall be lawful for the Defendant, by Leave of the Court, at any Time before Trial, to pay into Court, under Plea, such Sum of Money as he may think proper, and (by the like Leave) to plead the General Issue or other Plea or Pleas, any Rule of Court or Practice to the contrary notwithstanding.

Persons acting in execution of Act not to be personally liable.

CXXVIII. And be it enacted, That no Matter or Thing done or Contract entered into by the Commissioners, or by any Clerk, Surveyor, or other Officer or Person whomsoever acting under the Direction of the Commissioners, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Commissioners, Clerk, Surveyor, or other Officer or Person acting as last aforesaid, shall be borne and repaid out of the Funds under the Control of the Commissioners.

Miscellaneous.

Commissioners may examine on Oath. False Evidence punishable as Perjury.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners to administer an Oath to and examine upon Oath or otherwise any Person, for their more certain Information on any Matters depending before them; and every Person who on any Examination by the Commissioners upon Oath as aforesaid shall wilfully and corruptly give false Evidence shall be liable to the Penalties of wilful and corrupt Perjury.

Commissioners may allow Witnesses Money for Expenses and Loss of Time.

CXXX. And be it enacted, That any Court of Sewers may, at its Discretion, order to be paid, out of any Monies to be received by the Commissioners under this Act, to any Witness attending to give Evidence before the said Court, such Sum or Sums of Money for Expenses and Loss of Time as to the said Court shall seem just.

Commissioners may decree and assess Costs.

CXXXI. And be it enacted, That in any Order or Decree of any Court of Sewers touching any Matter or Thing within the Jurisdiction of the Commissioners it shall be lawful for any such Court of Sewers to order and decree that the Costs, Charges, and Expenses of and incidental to the making and putting in force such Order or Decree shall be paid and borne by the Person upon or against whom, or by reason of whose Default, or for whose Benefit, such Order or Decree shall be made, which Costs, Charges, and Expenses shall and may be ascertained and settled by or by the Authority of such Court of Sewers, and shall and may be demanded and received by the Treasurer or other Person appointed by the Commissioners to receive the same; and when any such Costs, Charges, and Expenses shall be ordered and decreed to be paid as aforesaid, and such Order or Decree shall not be previously altered, reversed, or quashed by or at any subsequent Court of Sewers, or by any other Court or Courts, upon Removal of the same by Certiorari or otherwise, the same Costs, Charges, and Expenses shall and may, at any Time after the Court of Sewers immediately following the making of such Order or Decree, such Court being at the Distance of Twenty-one Days at the least from

Miscellaneous

from the Service of such Order or Decree, be levied and raised, together with the Costs and Charges of raising and levying the same, by Distress and Sale of the Goods and Chattels of the Person by whom the same shall or may respectively be ordered or decreed to be paid as aforesaid; but if no sufficient Distress can be found it shall be lawful for the Commissioners (if they shall think fit) to charge the Amount of such Costs, Charges, and Expenses, or of such Portion thereof as shall not be raised by such Distress as aforesaid, upon any Lands or Tenements within the Limits of the Commission of or belonging to the Person by whom such Costs, Charges, or Expenses shall have been ordered or decreed to be paid; and in such Case the same shall be levied upon the Occupier of such Lands or Tenements in such and the same Manner as an Improvement Rate; and the Amount so levied on such Occupier shall be deducted against or repaid by the Person by whom such Costs, Charges, and Expenses were ordered or decreed to be paid; and all and every Sum and Sums of Money which shall or may be raised or levied as aforesaid by or for the Costs, Charges, and Expenses of any Officer of Sewers shall be paid into the Hands of the Treasurer or other Person appointed by the Commissioners to receive the same, and shall be, subject to the Order and Disposition of the Commissioners, paid, applied, and disposed of, so far as the same will extend, in defraying and reimbursing the Costs, Charges, and Expenses which shall have been incurred as aforesaid.

Sums received as Charges for Default to be paid to Treasurer.

CXXXII. And be it enacted, That all Sums which the Commissioners are authorized to charge and recover as Charges for Default under this Act shall and may be demanded and received by the Treasurer or other Person appointed by the Commissioners to receive the same, and, if not paid upon Demand, shall and may be levied by Distress and Sale of the Goods and Chattels of the Person upon whom such Charges for Default shall be imposed, and shall be applied by the Commissioners in satisfaction of the Expenses occasioned by such Default.

Penalty for obstructing Officers in execution of this Act.

CXXXIII. And be it enacted, That every Person who shall wilfully obstruct any Surveyor, Officer, or Person duly employed by the Commissioners, or any Workman or other Person acting under his Authority, in the Execution of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty for defacing Notice Boards.

CXXXIV. And be it enacted, That every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Commissioners in or about any of their Offices or Premises, upon which any Bye Law or Notice of the Commissioners shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty upon Occupiers obstructing Execution of Works, or not disclos-

CXXXV. And be it enacted, That if the Occupier of any Premises shall prevent the Owner thereof from carrying into effect, with respect to such Premises, any of the Provisions of this Act, it shall be lawful for any Justice, by Order in Writing (which may be according to the Form

ing Owner's Name.

Form contained in the Schedule (D.) to this Act, or to the like Effect), to require such Occupier to permit the Execution of the Works required to be executed; and if after the making of such Order the Occupier against whom the same shall be made refuse or neglect to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day during the Continuance of such Refusal or Neglect; and if the Occupier of any Premises, when requested by or on behalf of the Commissioners to state the Name and Description of the Owner of the Premises occupied by him, shall refuse or wilfully omit to disclose or wilfully mis-state the same, it shall be lawful for any Justice to summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if the Party so summoned neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Recovery of Penalties, Forfeitures, &c.

CXXXVI. And be it enacted, That every Offender who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Bye Law of the Commissioners, for the Recovery whereof Provision is not herein otherwise made, and also any Person liable to make Compensation which is herein authorized to be ascertained and recovered before Justices in a summary Manner, shall be proceeded against, and such Penalty or Forfeiture and Compensation respectively shall be awarded, recovered, and enforced, in the same Manner as the Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under an Act of the Second and Third Years of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis;* and such last-mentioned Penalties, Forfeitures, and Amends may by Law be proceeded against, awarded, recovered, and enforced respectively, and all Provisions, Powers, and Rights which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures and to make the Amends for Hurt and Damage which respectively are imposed and may be ordered to be paid by and under the said Act of the Second and Third Years of Her present Majesty, shall be applicable to the Proceedings against Offenders who shall be liable to Penalties and Forfeitures, and Persons liable to make Compensation under this Act as aforesaid: Provided always, that every Sum which shall be recovered in respect of any such Penalty and Forfeiture as last aforesaid, other than any Penalty or Forfeiture which shall be imposed upon the Commissioners or any of them, or any of their Officers or Servants, shall be paid to the Commissioners, and shall be applicable to the general Expenses of the Commission; and that every Sum recovered in respect of any Penalty or Forfeiture imposed on the Commissioners or any of them, or on any of their Officers or Servants, shall be applicable in the same Manner as if such Penalties and Forfeitures had been imposed by the said Act of the Second and Third Years of Her present Majesty; provided that the Magistrate or Justices by whom the Conviction or Order shall be made may award any Part of such last-mentioned

2 & 3 Vict. c. 47.

mentioned Penalty or Forfeiture to any Person aggrieved by the Offence.

No Proceeding for Recovery of Penalties, &c. to be taken other than by a Party aggrieved, without Consent of Attorney General.

CXXXVII. And be it enacted, That no Proceeding for the Recovery of any Penalty or Forfeiture incurred under the Provisions of this Act shall be had or taken by any Person other than by a Party grieved, or by or on behalf of the Commissioners, without the Consent in Writing of Her Majesty's Attorney General; and that no such Penalty or Forfeiture incurred shall be recovered unless Proceedings for the Recovery thereof shall have been commenced within Six Months after the Commission or Occurrence of the Offence upon which the Penalty or Forfeiture shall attach; and if the Application of the Penalty or Forfeiture be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder shall go to the Commissioners, or if the Commissioners be the Informers the whole of the Penalty recovered shall go to the Commissioners; and all Sums which shall go to or be recovered by the Commissioners on account of any Penalty by the Commissioners shall be paid to their Treasurer, and shall be applicable to the general Expenses of the Commission; provided that in every Case where the Commissioners or any of them shall be liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

Service of Notices, &c. on Commissioners.

CXXXVIII. And be it enacted, That any Summons or Notice, or any Writ or other Process, at Law or in Equity, or any other Matter or Thing whatsoever, required to be served upon the Commissioners or any of them, except where herein otherwise provided, or upon their Clerk, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the principal Office of the Commissioners.

As to Service of Notices on Owners or Occupiers.

CXXXIX. And be it enacted, That all Notices by this Act required to be given to the Owner or Occupier of any Land or Premises may be served personally on such Owner or Occupier, or left with some Inmate of his Place of Abode, or, if there be no Occupier, may be affixed to some conspicuous Part of such Land or Premises, and it shall not be necessary in any such Notice to name the Owner or Occupier of such Land or Premises: Provided always, that where there shall be no Occupier, and the Owner of any such Land or Premises, and his Place of Abode, be known to the Commissioners, they shall cause such Notice to be served on such Owner personally, or left with some Inmate of his Place of Abode, or shall transmit the same to such Owner through the Post Office.

Authentication of Documents.

CXL. And be it enacted, That every Notice, Summons, and Demand given by or on behalf of the Commissioners, by any of their Officers under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and may and shall be sufficiently authenticated if signed by the Clerk of the Commissioners, or by the Officer by whom the same may be given.

Miscellaneous.

Distresses, how to be made.

CXLI. And be it enacted, That where in this Act any Sum of Money whatsoever is authorized to be raised or levied by Distress, it shall be lawful for the Commissioners to issue a Warrant under the Seal of the Commissioners, directing any Person to levy such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of executing the same, by Distress of the Goods and Chattels of the Person against whom such Warrant shall be issued; and if within Five Days next after any Distress shall be made such Sum of Money, and the Costs, Charges, and Expenses of such Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient to pay such Sum of Money, and the reasonable Costs, Charges, and Expenses of the Warrant and Distress, and of the keeping and removing, appraising and selling such Goods and Chattels, and shall return the Overplus (if any) to the Owner of such Goods and Chattels, upon Demand thereof made by him; and such Warrant may be in the Form contained in the Schedule (E.) to this Act, or to the like Effect; and no Distress levied under the Authority of this Act shall be unlawful, nor shall any Person making the same be a Trespasser, on account of any Defect or Want of Form in the Warrant of Distress or other Proceeding relating thereto, nor shall be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction in an Action upon the Case.

Distress not unlawful for Defect or Want of Form.

After issuing of First Commission the Acts mentioned in Schedule (F.) to be repealed;

CXLII. And be it enacted, That from and after the issuing of the First Commission under this Act the several Acts mentioned in the Schedule (F.) to this Act shall be and the same are hereby repealed; provided that such Repeal shall not prejudice or affect any Rates made, or any Act, Matter, or Thing whatsoever done or commenced, or any Rights or Liabilities acquired, created, or arising under or reserved or saved by the said Acts or any of them.

and Powers of Commissioners under Regent Street Act with respect to Sewers, &c. to cease.

CXLIII. And be it enacted, That from and after the issuing of the First Commission under this Act the Powers of the Commissioners under the said recited Act of the Fifth Year of King *George* the Fourth, and the Acts extending the Powers of the Commissioners for executing such last-mentioned Act, so far only as respects the making, maintaining, and keeping in repair, and Management, Survey, Control, and Direction of Sewers, Drains, and Watercourses, and the Communications therewith, and making Sewers Rates for such Purposes, and the Exemptions in such Acts contained from the Powers of other Commissioners of Sewers, and from Liability to Sewers Rate, other than the Rates under the same Acts, shall cease: Provided always, that the Commissioners under the same Acts shall continue from Time to Time to make Sewers Rates for the Discharge of any Mortgage and other Debts and Interest which might have been discharged out of the Sewers Rates to be made by such Commissioners in case this Act had not been passed, until the same shall be discharged; and

Proviso for making Rates to discharge Mortgages.

Miscellaneous.

and such last-mentioned Rates, while they shall continue payable, shall, with reference to the Limitation of the Powers of rating under this Act, be deemed Part of the District Rate assessed on the Property rateable thereto.

3 & 4 W. 4. c. 22. and 4 & 5 Vict. c. 45. not to apply to Commissions under this Act.

CXLIV. And be it enacted, That the said Acts of the Third and Fourth Years of the Reign of King *William* the Fourth, and of the Fourth and Fifth Years of the Reign of Her present Majesty, shall not apply to any Commission which shall be issued under this Act, or to the Proceedings and Acts by and in relation to such Commission.

General Law of Sewers to be applicable to Commissions under this Act.

CXLV. And be it enacted, That, save as herein-before excepted, the Provisions and Powers of the said Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, and of the several Acts of Parliament continuing, amending, and explaining the same, so far as the same are consistent with the Provisions of this Act, shall continue in force and be applied and may be exercised for the Purposes of this Act, as if every Commission to be issued under this Act had been issued under the said Act of the Twenty-third Year of King *Henry* the Eighth, except that the Provisions concerning the Oath to be taken by Commissioners, and the Qualifications of Commissioners, and the Penalties for sitting unsworn or without being qualified, and the Powers of Impressment of Workmen and Labourers, the Right of Pre-emption of Timber and Necessaries for Works and Reparations, and the Powers of decreeing and ordaining Lands, Tenements, and Hereditaments from the Owners thereof, for Lack of Payment of Lots or Charges thereon, shall not be applicable to or exercised by the Commissioners under this Act; and all Savings and Provisions in Turnpike, Railway, Waterworks, Improvement, and other Acts, saving and providing for the Rights, Powers, and Authorities of the Commissioners of Sewers for any of the Parts which shall be within the Limits of the Commission to be issued under this Act, shall, so far as the same shall not be inconsistent with the Provisions of this Act, continue and be in force in favour of and with reference to the Metropolitan Commissioners of Sewers.

Commissioners of Sewers of London may exercise Powers within the City for enforcing House Drainage, &c.

CXLVI. And be it enacted, That it shall be lawful for the Commissioners of Sewers of the City of *London* to exercise and put in force within the said City and the Liberties thereof the like Powers and Authorities for enforcing House Drainage, and for providing that Drains, Water-closets, Privies, Cesspools, and Ash-pits are constructed and kept so as not to be a Nuisance or injurious to Health, and for defraying Expenses incurred by such Commissioners in relation to the Matters aforesaid, by Improvement Rates or Charges for Default, as are hereby given to the Metropolitan Commissioners of Sewers within the Limits of their Commission.

Interpretation of Terms.

CXLVII. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) Words importing the Singular

Number. Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; Words importing the Masculine Gender shall include Females; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole; the Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments of any Tenure; the Word "Owner" shall mean the Person for the Time being receiving the Rack Rent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rack Rent; the Word "Month" shall mean Calendar Month; the Word "Commission" shall mean any Commission issued under this Act, and in force for the Time being; the Word "Commissioners" shall mean the Metropolitan Commissioners of Sewers; the Word "Commissioner" shall mean any One of such Commissioners; the Word "Justice" shall mean any Justice of the Peace acting for the Place in which the Matter, or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justices" arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together in Petty Sessions, and in the City of *London* the Lord Mayor or any Alderman, and all Powers given to Two Justices may be exercised by One Stipendiary or Police Magistrate acting in any Police Court; the Word "Arbitrators" shall include a single Arbitrator; and the Words "Arbitrators" and "Arbitrator" shall include an Umpire; the Word "Oath" shall mean and include an Affirmation in the Case of Quakers, and a Declaration in the Case of Persons allowed by Law to make a Declaration in lieu of an Oath; the Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of the Commission; the Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only or Premises within the same Curtilage, and made merely for the Purpose of communicating with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed; the Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies; the Word "Parish" shall mean and include any Liberty, Township, Precinct, or Place maintaining its own Poor, or any Part of a Parish for which a separate Poor Rate may be made; the Word "Union" shall mean and include any Number of Parishes and Parts of Parishes or Places united under the Provisions of any general or local Act of Parliament for the Relief of the Poor; and the Word "Guardians" shall mean the Board of Guardians, Visitors, Directors, or other Persons appointed for managing the Poor of such Union; the Expression "Managers of the Poor" shall mean and include any Directors, Trustees, Guardians, Vestrymen,

"Number." "Gender." "Person." "Lands." "Premises." "Owner." "Month." "Commission." "Commissioners." "Commissioner." "Justice." "Two Justices." "Arbitrators." "Oath." "Street." "Drain." "Sewer." "Parish." "Union." "Guardians." "Managers of the Poor."

Vestrymen, or other Officers appointed to act in the ordering or Relief of the Poor from the Poor Rate in a Parish under any local Act of Parliament; and the Expressions "the Clerk," "the Treasurer," "the Surveyor," "the Collector," shall mean the Persons respectively appointed or authorized by the Commissioners to execute the Offices of Clerk, Treasurer, Surveyor, and Collector. *Miscellaneous.* "the Clerk," &c.

CXLVIII. And be it enacted, That this Act shall continue in force for Two Years next after the passing thereof, and thence to the End of the then next Session of Parliament. Term of Act.

CXLIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Metropolitan Commission of Sewers. } AN Assessment to the District Sewers Rate for the [*name the District*] made at a Court of Sewers holden this Day of 18 , after the Rate of in the Pound, by virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*].

No. on the Rate.	Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Rateable annual Value.	Rate at in the Pound.

Signed by us, this Day of 18 .

A.B.
C.D.
E.F.
G.H.
I.K.
L.M.
} Metropolitan Commissioners of Sewers.

SCHEDULE (B.)

Form of Mortgage of Rates.

Mortgage, Number ( )

BY virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], the Metropolitan Commissioners of Sewers, in consideration of the Sum of

of paid to the Treasurer of the said Commissioners by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all the Monies arising and to arise from the several Rates [*or* the District Sewers Rate for the [*here name the District or Districts*], *as the Case may be, or such other Rate or Rates as shall be agreed to be mortgaged, sufficiently describing the same*], by the said Act authorized to be made, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the said Commissioners have hereunto set their Seal, this Day of One thousand eight hundred and .

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by the Metropolitan Commissioners of Sewers to for securing the Sum of and Interest [*or if such Transfer be by Indorsement on the Mortgage insert, instead of the Words after "Assigns,"* the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

A.B. (L.S.)

SCHEDULE (D.)

Form of Order to permit Execution of Works by Owners.

County of } WHEREAS Complaint hath been made to me, *E.F.* Esquire, One of Her Majesty's Justices of the Peace in and for [the County *or* Jurisdiction] of by *A.B.*, Owner, within the Meaning of an Act passed in the Year

Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], of certain Premises, to wit, a House [*as the Case may be*] situate in Street [*as the Case may be*] in the Parish of in the said [County, *&c.*,] that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from carrying into effect the Provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the Works generally according to Circumstances*]: And whereas the said *C.D.* having been duly summoned to answer the said Complaint, and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

E.F. (L.S.)

SCHEDULE (E.)

Form of Warrant of Distress.

Metropolitan Commission of Sewers. } To One of the Collectors of the Metropolitan Commissioners of Sewers, and to all Constables and Peace Officers.

THESE are to require you or any of you forthwith to levy the Sum of Pounds due from *A.B.* of and also the Sum of Pounds the Costs of proceeding to obtain this Warrant, and the Costs, Charges, and Expenses of taking, keeping, removing, appraising, and selling the Distress, by Distress and Sale of the Goods and Chattels of the said *A.B.* (such Goods and Chattels being kept for the Space of Five Days before the same are sold), rendering to the said *A.B.* the Overplus (if any), on Demand; and if no sufficient Distress can be found of the Goods and Chattels of the said *A.B.*, then you are to certify the same to us, together with this Warrant, to the end such further Proceedings may be had therein as to the Law doth appertain.

Given under the Seal of the Metropolitan Commissioners of Sewers, this Day of One thousand eight hundred and

(L.S.)

SCHE-

SCHEDULE (F.)

Acts to be repealed.

Holborn and Finsbury.

18 Geo. 3. c. 66.—An Act for making proper Drains and Sewers for the Purpose of carrying off the Water from the Prebendal Estate of Halliwell and Finsbury in the Suburbs of the City of London; and for other Purposes therein mentioned.

54 Geo. 3. c. 219.—An Act to amend an Act made in the Eighteenth Year of His present Majesty, for making Drains and Sewers for carrying off the Water from the Prebendal Estate of Halliwell and Finsbury in the Suburbs of the City of London, and for other Purposes therein mentioned; and to extend some of the Provisions thereof to Part of the Holborn Division in the County of Middlesex.

Westminster and Part of Middlesex.

47 Geo. 3. s. 1. c. 7.—An Act to enlarge the Powers and extend the Jurisdiction of the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex.

52 Geo. 3. c. 48.—An Act for empowering the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex to purchase a Messuage and Premises for holding their Meetings, and for enlarging the Powers of the said Commissioners.

7 & 8 Geo. 4. c. 23.—An Act to empower the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex to purchase certain Premises situate at the Corner of Sun Court in Curzon Street in the Parish of Saint George Hanover Square in the said City and Liberty, and for other Purposes relating thereto.

10 & 11 Vict. c. 70.—An Act to explain and amend the Laws of Sewers relating to the City and Liberty of Westminster and Part of the County of Middlesex.

Surrey, East Mouldsey to Ravensborne.

49 Geo. 3. c. 183.—An Act for making new Sewers and Drains, and amending the present Sewers and Drains, within certain Districts under the Jurisdiction of the Commissioners of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent, and for other Purposes relating to the Execution of the Commission of Sewers for the said Limits.

50 Geo. 3. c. 144.—An Act for amending, enlarging, and extending the Powers of an Act passed in the last Session of Parliament relating to the Execution of the Commission of Sewers for the Limits from East Mouldsey in Surrey to Ravensborne in Kent.

53 Geo. 3. c. 79.—An Act for amending, enlarging, and extending the Powers of Two several Acts passed in the Forty-ninth and

Fiftieth Years of His present Majesty, relating to the Execution of the Commission of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent.

10 & 11 Vict. c. 217.—An Act to facilitate the effectual Drainage of certain Districts within the Commission of Sewers for the Limits extending from East Mouldsey in Surrey to Ravensborne in Kent.

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