



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. iv.

An Act to incorporate a Company by the Name of “ The *London Sewage Chemical Manure Company.*” [21st *June* 1847.]

WHEREAS it is expedient to preserve and render available for agricultural Purposes the Sewage and Drainage that now falls into the River *Thames* from the Sewers of the Metropolis, and thereby greatly add to the Produce of the Country: And whereas the several Persons herein-after named, together with other Persons, are willing and desirous, to form themselves into a Company for that Purpose, with such Powers as are herein-after contained; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Companies Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Waterworks Clauses Act, 1847, shall be incorporated with and form Part of this Act, save as to such Parts

[*Local.*]

8 0

thereof

8 & 9 Vict.
cc. 16. 18.
and 20. and
10 & 11 Vict.
c. 17. extend-
ed to this Act.

thereof as may be modified by or are inconsistent with the Provisions of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *London Sewage Chemical Manure Act, 1847.*"

Incorporation of Company.

III. And be it enacted, That *Job Heath, Richard Moffatt, Henry Patteson, John Angus Walmisley, Francis Ferdinando Jeyes, William Henry Scott*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and for such Purposes shall be incorporated by the Name of "The *London Sewage Chemical Manure Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, within the Restrictions herein and in the said recited Acts contained.

Purposes of the Company.

IV. And be it enacted, That the Company shall be established for the Purposes, subject to the Restrictions herein-after contained, of making, constructing, maintaining, altering, varying, or otherwise diverting a certain Sewer, and the Drains and Culverts connected therewith, and other Works, for the intercepting and collecting the Sewage from such Sewer, Drains, and Culverts, which Sewage is now emptied into the River *Thames*, and which Sewer is called or known as the *Duffield Sewer*, in the Parish of *Bermondsey* in the County of *Surrey*, and for conveying the same Sewage into Reservoirs, Tanks, and Depositories to be constructed for that Purpose, and building, constructing, and making the said Reservoirs, Tanks, and Depositories, for the Purpose of treating the said Sewage so collected chemically, and separating from the Water the solid Matter contained therein, and collecting and solidifying the noxious Gases which may be evolved therefrom, and adapting the same to agricultural and other useful Purposes, which said Sewers, Drains, Culverts, Reservoirs, Tanks, and other Works will pass from, in, through, or into, or be made wholly within the said Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*.

First Directors.

V. And be it enacted, That *Job Heath, Richard Moffatt, Henry Patteson, John Angus Walmisley, Francis Ferdinando Jeyes, and William Henry Scott*, Esquires, shall be the first Directors of the Company.

Quorum.

VI. And be it enacted, That a Quorum of a Meeting of Directors shall be Three.

Capital.

VII. And be it enacted, That Forty-five thousand Pounds shall be the Capital of the Company.

VIII. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Two thousand two hundred and fifty, and the Amount of each Share shall be Twenty Pounds. Shares.

IX. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and which shall be paid by monthly Instalments of Ten Shillings each, and Two Months shall intervene between the making of any Two successive Calls. Calls.

X. And be it enacted, That the Number of the Directors of the Company shall be Nine, and the Qualification of a Director shall be the Possession by him, in his own Right, of Fifty Shares at least in the said Undertaking. Number and Qualification of Directors.

XI. And be it enacted, That no Payment shall be made by the Directors out of the Funds of the Company for the Purposes of the said Undertaking, or for any Purpose or upon any Account whatever, except upon an Order in Writing, specifying the Sum or Sums to be paid, and to whom the same is or are made payable, and signed by Three, at least, of the said Directors, and countersigned by the Secretary; and upon the Production of any such Order it shall be lawful for the Banker or Bankers of the said Company to pay the Sum or Sums specified in such Order to the Bearer or Bearers thereof. Mode of Payment.

XII. And be it enacted, That the Directors of the Company shall cause proper Books of Account to be kept of all Monies which shall be paid to them, or be placed to their Credit, or be otherwise received by them or any of them, in respect of the said Undertaking, and of all Monies which shall be expended by them in respect of the said Undertaking, and of all other Matters and Things usually entered in Books of Account relating to Undertakings of a like Nature. Books of Account to be kept.

XIII. And be it enacted, That the Company shall allow Interest to the Shareholders upon the Amount actually paid up by them on their respective Shares, at the Rate of Four Pounds Sterling *per Centum per Annum*, from the Completion of the first and each subsequent Call made after obtaining this Act until the opening of the Works hereby authorized. Interest allowed upon the Share until Works are finished.

XIV. And be it enacted, That every Shareholder may vote in Person or by Proxy, such Proxy to be some other Shareholder holding not less than Twenty Shares in the Capital of the Company, and that every Shareholder holding less than Ten Shares shall be entitled to One Vote, and every Shareholder holding Ten Shares or more shall be entitled to Two Votes, and shall have an additional Vote for every Five Shares held by him or her beyond the first Ten Shares up to One hundred Shares, and an additional Vote for every Ten Shares held by him or her beyond the first One hundred Shares, but no Shareholder shall have more than Forty Votes in the whole, and the
• Executors Manner of voting.

Executors or Administrators of any Shareholder shall be entitled to the same Number of Votes that such Shareholder himself or herself would have been entitled to if living.

Power to borrow Money on Mortgage.

XV. And be it enacted, That after the whole of the original Capital of the Company shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of Fifteen thousand Pounds.

Power to Company to open Duffield Sewer, with Consent.

XVI. And be it enacted, That it shall be lawful for the Company, having first from Time to Time obtained the Consent of the Commissioners of Sewers for *Surrey* and *Kent*, to open the said *Duffield* Sewer (such Consent being signified by an Order of Court), and to take the Sewage and Drainage therefrom, but only at such Place or Places and in such Manner as shall be deemed proper and shall have been sanctioned by an Order of the said Commissioners, such Commissioners not being, under any Circumstances, bound to give such Consent or make such Order (and the Powers given by this Act being altogether dependent upon such Consent and Order); and such Commissioners are hereby empowered to give such Consent and make such Order, at any Time after the Expiration of One Calendar Month after Application to them for the same, they being first satisfied by a Plan, Section, and Specification, and any other Information which they may require, that the proposed Works will not cause any Annoyance, Injury, or Impediment to the Sewers, Lands, Grounds, Houses, or other Buildings under their Control and within their Jurisdiction, or cause any extra Expence to such Commissioners: Provided always, that though such Consent shall have been given and Order made such opening of the said Sewer and the taking such Sewage and Drainage shall be done only under the Control and Direction of the said Commissioners; and such Commissioners may require any Security against such Annoyance, Injury, Impediment, or Expence as aforesaid, or impose any other Terms, upon giving such Consent or making such Order; and such Commissioners may at any Time or Times put a temporary or final Stop to any Works which they may consider will occasion or are occasioning any such Annoyance, Injury, Impediment, or Expence as aforesaid, or which they may consider are not being or have not been sufficiently or properly constructed, or are not in good Repair, or which they may consider will not be proceeded with efficiently by reason of the Inability of the Company so to do, or otherwise; and such Commissioners may take such other Measures in relation to the Premises as to them shall seem to be desirable under the Circumstances.

Power for Commissioners of Sewers to inspect Com-

XVII. And be it enacted, That it shall be lawful for the said Commissioners of Sewers, at all Times after the Completion or during the Progress of any Works done under this Act, by their Surveyors or any other Officers whom they may appoint, to enter upon the Works and
Premises

Premises of the said Company, for the Purpose of ascertaining whether in their Judgment any such Annoyance, Injury, Impediment, or Expence as aforesaid is being or will be occasioned as aforesaid, or whether in their Judgment any such Works as aforesaid are being or have been sufficiently or properly constructed, or are in good Repair, or in order to exercise any Power by this Act vested in them, or for any other reasonable Purpose.

pany's Works
at all Times.

XVIII. And be it enacted, That it shall be lawful for the Company to enter into or upon any Lands and other Places lying within the said County of *Surrey*, and mentioned in the Plan and Book of Reference deposited with the Clerk of the Peace of the County of *Surrey* in respect of the said Undertaking, and to take Levels of the same, and to set out such Parts thereof as they shall think necessary for the Works hereby authorized to be made, and to dig and break up the Soil of such Lands, Waters, and Places, and to trench and sough the same, and to remove or use all Soil, Stone, Mines, Minerals, Trees, or other Things dug or gotten out of the same, they the Company doing as little Damage as may be in the Execution of the Powers hereby granted, and making Satisfaction in manner herein mentioned to all Parties interested in any Lands used for the Purposes of this Act, or which may be injured by the Execution of the Powers hereby granted, and upon, in, and through such Lands to construct and lay down Sewers, Pipes, Stations, Engines, and other Works necessary for the Purposes of this Act: Provided always, that it shall not be lawful for the Company to enter into or use any Land for the Purpose of this Act without having paid or tendered Payment for the same in manner herein mentioned, except for the Purpose of setting out the Works by this Act authorized to be made, or setting out and taking Levels of such Parts of the said Land as the Company shall intend to take or use for the Purposes of this Act.

Power to enter
Lands and
construct
Works.

XIX. And be it enacted, That for the Purposes of this Act it shall be lawful for the Company and they are hereby empowered to open and break up the Soil, Pavement, and Surface in and of the several Highways, Footways, Turnpike Roads, and Streets within the Limits of this Act, and within the said County of *Surrey*, and also any Sewers or Drains therein, and to lay and place within such Limits and County Pipes, Conduits, Service Pipes, and other Apparatus and Conveniences, and to do all other Acts which the Company shall from Time to Time deem necessary, according to the true Intent and Meaning of this Act, and also from Time to Time to open and break up such Soil, Pavement, Surface, Sewers, and Drains for the Purpose of repairing, altering, or removing any such Pipes, Conduits, Apparatus, or Conveniences, they the Company doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any wilful Damage which may be done in the Exercise of such Powers: Provided nevertheless, that nothing herein contained shall authorize the opening, breaking up, or interfering with any Sewer within the Limits of the aforesaid Commissioners of Sewers, without having previously obtained such Consent, and such Order

Power to
break up
Streets and
open Drains
for the Pur-
poses of this
Act

[*Local.*]

8 P

being

being made as aforesaid, and that no such opening or breaking up shall be made except under the Superintendence of the said Commissioners of Sewers, and that such breaking up or opening of such other Works as may be rendered necessary thereby shall be done at the Expence of the Company.

Provisions of 10 & 11 Vict. c. 17. as to breaking up Streets, &c. incorporated with this Act.

XX. And further, with respect to the breaking up of Streets for the Purpose of laying Pipes, be it enacted, That the Clauses of the Waterworks Clauses Act, 1847, with respect to such Matter, shall be incorporated with and form Part of this Act.

Penalties imposed by this Act not cumulative.

XXI. Provided always, and be it enacted, That no Penalty or Forfeiture imposed by this Act for or in respect of any Act or Default of the Company shall be cumulative on any Penalty or Forfeiture imposed for or respect of the same Act or Default by any other Act of Parliament, but it shall be lawful for any Person entitled to proceed for any such Penalty or Forfeiture to elect to proceed under such last-mentioned Act or this Act.

Company not exempted from Liability to an Indictment.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall prevent the Company, or any Person on whom any Penalty is imposed by this Act, or any Officer or Servant acting by or under its or his Authority, from or exempt them or him from any Liability to an Indictment for any Nuisance or any other legal Proceeding to which they or he may or but for this Act would be liable in or in consequence of carrying into operation the Purposes of this Act or otherwise.

Imposition of Penalties not to prevent other Proceedings being taken.

XXIII. Provided always, and be it enacted, That where in this Act any Penalty or Penalties is or are imposed for any Act or Default it shall not be compulsory on the Party or Parties entitled to proceed for the Recovery of such Penalty or Penalties respectively to proceed for the Recovery thereof; but such Party or Parties may, notwithstanding the Imposition of such Penalty or Penalties as aforesaid, instead thereof, have, use, and put in force all or any other Remedy or Remedies by Indictment, Mandamus, Action, Suit, or other Proceeding at Law or in Equity as they might or could have used or put in force if such Penalty or Penalties respectively had not been imposed.

Power to supply Manure, &c., and charge for same.

XXIV. And be it enacted, That it shall be lawful for the Company to supply the Manure and other Matters and Things made or adapted to agricultural and other Purposes under the Authority of this Act to all Persons who shall desire to take the same, at such Prices and on such Terms as may be mutually agreed upon by the Company and such Persons respectively.

Company's Accounts to be rendered to Parliament.

XXV. And be it enacted, That the Directors of the said Company shall, within Six Weeks after the Commencement of each Session of Parliament, cause to be furnished unto the House of Commons an
Account

Account of the Expenditure and Receipts of the Company since the First Day of the last Session of Parliament up to the First Day of the then Session of Parliament.

XXVI. And be it enacted, That every Person who shall wilfully or carelessly destroy, break, injure, or open any Sewer, Aqueduct, Conduit, Pipe, Engine, or other Works belonging to or shall flush or draw off the Sewage of the Company, or shall do any other wilful Act whereby such Sewage shall be wasted, shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalty for destroying Sewers or Works of Company.

XXVII. And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, be it enacted, That the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to such Matter, shall be incorporated with and form Part of this Act.

8 & 9 Vict. c.20. incorporated, as to Recovery of Damages, &c., with this Act.

XXVIII. And be it enacted, That if the Works to be done under this Act shall be at any Time abandoned, or the Operations under this Act cannot or be not effectually carried on, and it shall be found and apprehended that the Drainage of the District shall or may be obstructed or interfered with, the said Commissioners of Sewers may enter the Premises of the said Company, and do all such Works as may be necessary, or take possession of the Works, so as to secure the Public against any Damage or Injury; and any Expence which may be incurred thereby shall be paid by the said Company, and be recovered by the said Commissioners of Sewers by Warrant of Distress under their Hands and Seals, or be recovered as a Debt by any other Means.

If Works abandoned &c. Commissioners of Sewers may take possession.

XXIX. Provided always, and be it enacted, That nothing herein contained shall prevent the said Commissioners of Sewers, at any Time or Times whatsoever, without making any Compensation soever to the said Company, from altering, widening, deepening, diverting, or taking away the said Sewers respectively, or any of them, or any other Sewer, Drain, or Watercourse, or exercising any Power, Authority, Control, or Jurisdiction whatsoever which they might have exercised if this Act had not been passed.

Nothing in this Act to affect Rights of Commissioners of Sewers.

XXX. And whereas Her Majesty Queen *Victoria*, by Letters Patent bearing Date the Twenty-eighth Day of *April* One thousand eight hundred and forty-six, granted unto *William Higgs* of *Westminster*, Agricultural Chemist, his Executors, Administrators, and Assigns, or such others as he or they should at any Time agree with, the sole and exclusive Licence, Power, Privilege, and Authority of making, using, and vending for the Term of Fourteen Years from the Date thereof, within that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, the Dominion of *Wales*, the Town of *Berwick-upon-Tweed*, and the Colonies, a certain Invention or Method of collecting

Company authorized to purchase a Licence or Authority from Mr. Higgs, the Patentee.

lecting the Contents of Sewers and Drains in Cities, Towns, and Villages, and treating chemically the same, and applying such Contents when so treated to agricultural and other useful Purposes; and the said Letters Patent contain the usual Proviso for making void the same if they should become vested in or in trust for more than Twelve Persons, or their Representatives, at any One Time, as Partners dividing or entitled to divide the Benefits or Profits obtained by reason of the said Letters Patent: And whereas a Specification of the said Letters Patent was duly enrolled on the Twenty-eighth Day of *October* One thousand eight hundred and forty-six: Now it is hereby enacted, That it shall be lawful for the Company to purchase or take from the said *William Higgs*, his Executors, Administrators, or Assigns, and for the said *William Higgs*, his Executors, Administrators, or Assigns, to grant and assign unto the Company, or to any Person as Trustee for the Company, at such Price and upon such Terms and in such Manner in all respects as shall be thought fit, any exclusive or other Licence or Authority to make, use, and exercise the said Invention mentioned in the said Letters Patent, so far as regards the said *Duffield* Sewer, and any Sewers or Drains being Diversions thereof or Substitutions for the same, and the Company's Works in connexion therewith respectively; and every such Licence or Authority so to be purchased or taken by the said Company as aforesaid shall be good and effectual to all Intents and Purposes for the Period therein specified, and if for the whole of the said Term of Fourteen Years shall be vested in such Company for any Period for which any Extension of the said Letters Patent may be granted; and no such Licence or Authority shall render void or voidable the said Letters Patent, any Proviso, Clause, or Restriction contained therein to the contrary thereof notwithstanding; and such Licence or Authority shall not be rendered void or voidable or be in anywise affected by or by reason or in consequence of any Act, Deed, Matter, or Thing whatsoever thereafter to be made, done, or executed by the said *William Higgs*, his Executors, Administrators, or Assigns, whereby the said Letters Patent shall be or become void or voidable.

Saving
Rights of the
Mayor, &c.
of the City
of London.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, as Conservator of the said River *Thames*, or otherwise, did or might lawfully claim, use, or exercise, nor to authorize or empower the said Company, their Workmen or Servants, or any of them, to embank, encroach upon, or interfere with any Part of the Soil or Bed of the River *Thames*, or the Bank or Shore thereof, without the Licence and Consent in Writing of the said Mayor and Commonalty and Citizens first had and obtained for that Purpose.

XXXII. Pro-

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall extend to enable the Company to break open any Roads, Streets, or Highways under the Jurisdiction of the Commissioners for improving the Parish of *Saint Mary Magdalen Bermondsey*, except at such Times, in such Manner, and under and subject to such Provisions, Restrictions, and Penalties as are mentioned, contained, and enacted in and by the Act constituting such Commissioners, in regard to the breaking up of the Streets and Roads by Water or other Companies, as if the Company had been named in the said Act.

Saving the Rights of the Bermondsey Improvement Commissioners.

XXXIII. Provided also, and be it enacted, That nothing in this Act contained shall extend to enable the Company to break open any Roads or Highways under the Jurisdiction of the Trustees of the *Bermondsey, Rotherhithe, and Deptford* Roads, except at such Times, in such Manner, and under and subject to such Provisions, Restrictions, and Penalties as are mentioned, contained, and enacted in and by the Act under which the said Roads and Highways are put under the Jurisdiction of the said Commissioners, in regard to the breaking up of the Roads and Highways by Water or other Companies, as if the Company had been named in the said Act.

Saving the Rights of the Trustees of the Bermondsey, &c. Roads.

XXXIV. And be it enacted, That nothing in this Act contained shall be deemed to exempt the said Company from the Provisions, Regulations, and Conditions which may be contained in any Act which may hereafter be passed for regulating or improving the Sewerage and Drainage of the Metropolis or any Part thereof, or to prevent Parliament from resuming the Powers granted by this Act, upon such Terms as to Parliament shall seem fit.

Nothing to exempt Company from Provisions of any future Acts.

XXXV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Interpretation of Act

The Word "Person" shall extend to Corporations, whether aggregate or sole :

The Word "Street" shall include any Square, Street, Court or Alley, Highway, Lane, Road, Thoroughfare, Footway, or public Passage or Place within the Limits of this Act :

The Expression "the Company" shall mean the Company incorporated by this Act ; and

The Expression "the Directors," and "the Secretary," shall mean the Directors and Secretary respectively of such Company :

The Word "Sewer" shall include Sewer, Drain, or Watercourse :

The Expression "the Commissioners of Sewers" shall mean the Commissioners of Sewers for the Time being for *Kent and Surrey*, and also any Body or Persons who may hereafter, by any Law to be made, have the Control or Superintendence of the Sewers within the same Limits.

[*Local.*]

[8 Q]

XXXVI. And

Public Act.

XXXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.