



*effectual the Laws concerning Commissions of Sewers; and an Act was passed in the Forty-seventh Year of King George the Third, intituled 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; and an Act was passed in the Fifty-second Year of King George the Third, for empowering the Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex to purchase a House, and for enlarging the Powers of the said Commissioners: And whereas an Act was passed in the Third and Fourth Years of the Reign of King William the Fourth, intituled An Act to amend the Laws relating to Sewers, and it was thereby provided that such Act should not extend to alter, abridge, or interfere with any Local or Private Act of Parliament for Sewers concerning any County, City, Town, District, Lands, or Limits, or any Commission of Sewers in the County of Middlesex, within the Distance of Ten Miles from the Royal Exchange in the City of London: And whereas, by Her Majesty's Letters Patents, one under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date the Fifth Day of December in the First Year of Her Majesty's Reign, and the other under the Seal of the Duchy of Lancaster, also bearing Date the Fifth Day of December in the said First Year of the Reign of Her said Majesty Queen Victoria, the Most Reverend Father in God William Archbishop of Canterbury, his Grace the Duke of Portland, his Grace the Duke of Northumberland, his Grace the Duke of Wellington, the Most Honourable the Marquis Lansdowne, the Most Honourable the Marquis of Salisbury, the Right Honourable the Earl of Shaftesbury, and others therein named, have been appointed Commissioners of Sewers for the said City and Liberty of Westminster and Part of the County of Middlesex: And whereas, from the very great Increase of Buildings within the Limits of the said Commission of Sewers for the said City and Liberty of Westminster and Part of Middlesex, and from the Necessity of providing more effectually for the properly draining and sewerage of the same Limits, and by reason of Doubts which have existed as to the Powers of the said Commissioners, whereby they are unable so effectually to cause the Limits to be drained and sewerage as is necessary, it is expedient to enlarge the Powers of the said Commissioners: And whereas, for the Purposes aforesaid, some of the Provisions contained in the said Act of the Third and Fourth Years of the Reign of King William the Fourth might be usefully and beneficially granted and extended to the said Commissioners of Sewers for the City and Liberty of Westminster and Part of the County of Middlesex: 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 notwithstanding the Provision in the said recited Act of the Third and Fourth Years of the Reign of His Majesty William the Fourth contained that the same should not affect any Local Act or any Commission within Ten Miles of the Royal Exchange, so much of the said last-mentioned Act as relates to the standing or continuing in force of every Commission and Commissions of Sewers; and as relates*

47 G. 3. c. 7.

3 & 4 W. 4.  
c. 22.Recital of  
the present  
Commission  
of Sewers  
now in force.Certain Pro-  
visions of  
3 & 4 W. 4.  
c. 22. ex-  
tended to  
this Act,  
notwith-  
standing  
Enactment

relates to the continuing in full Force and Effect all Laws, Acts, Decrees, Constitutions, and Ordinances made or to be made by any Court of Sewers, and duly registered in the Rolls or Books of such Court by the Clerk to the Commission; and as relates to the Provision therein made for the Purpose of removing Doubts which had arisen whether the Presentment of a Jury was not necessary on each and every Occasion to repair Defences and Works within the Jurisdiction of the Commissioners of Sewers; and as relates to the decreeing, ordering, and appointing, paying and allowing to Clerks, Witnesses, and other Persons such Recompence and Sum and Sums of Money for Expences and Loss of Time as in the said recited Act is mentioned, and also such Costs and Charges and Expences as should be incurred in the various Ways in the said recited Act particularly mentioned; and as relates to enabling any Court of Commissioners of Sewers to treat, contract, and agree with the Owners of and other Persons interested in any Messuages, Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, for the Purchase thereof for such Purposes as in the said recited Act are mentioned, and for such Loss or Damage as in the said recited Act is mentioned which such Owners or Persons might sustain; and as relates to the Form of the Conveyance of any Lands, Tenements, or Hereditaments so to be purchased by Commissioners of Sewers; and as relates to the Fund out of which every Sum of Money and Recompence should be paid, and to the levying of such Funds; and as relates to the assigning and transferring of Securities or Certificates of Charge for Monies borrowed; and as relates to the making and traversing of Presentments in Cases where the Burden of supporting, repairing, and reinstating a common Sea Wall, Bank, Sewer, or other Work might be divided among divers Persons, each of whom might be liable to the Repair of a certain Portion thereof; and as relates to the vesting in Commissioners of Sewers the Property of and in all Lands, Tenements, and Hereditaments, Buildings, Erections, Works, and other Things, Tools, Utensils, Materials, and Things, as in the said Act is mentioned; and to the empowering such Commissioners to take Proceedings at Law as in the said Act is mentioned, and to laying and describing in any Action or Indictment the Property of the said Commissioners without stating or specifying the Names of such Commissioners; and as relates to the requiring of all Officers appointed or to be appointed by any Court of Sewers to account and pay over Monies, and to the summary Remedies which may be enforced against such Officers in Cases of Refusal or Neglect to account or pay over Monies; and as relates to the obtaining Possession, by Warrant under the Hands and Seals of Six Commissioners of Sewers, from any Officer or Servant of any Court of Sewers, of any Houses, Buildings, Lands, Floodgates, Sluices, Dams, Works, Materials, Tools, or Implements; and as relates to taking Security from all Servants and Officers of any Court of Sewers for the faithful Execution of their Office or Trust, and to enforcing such Security in Cases of Forfeiture, and to the abating or discontinuing of Actions or Suits brought in Cases of Forfeiture; and as relates to the demanding and receiving and levying by Warrant of Fines, Amerciaments, Penalties, or Forfeitures, without returning or estreating the same into the Court of Exchequer, and to the Application of such Fines, Amerciaments,

that the same should not affect any Local Act or Commission within Ten Miles of the Royal Exchange.

Amerciaments, Penalties, and Forfeitures when so received or levied; and as relates to the Form of the Warrant authorizing the levying of any such Fine, Amerciament, Penalty, or Forfeiture; and as relates to the ordering and decreeing by whom the Costs, Charges, and Expences of and incidental to the making and putting in force the Orders, Decrees, or other Proceedings of Commissioners of Sewers should be paid and borne, and to the levying and raising the same, together with the Costs and Charges of levying and raising the same; and as relates to the paying, applying, and disposing of the Monies which might be raised or levied by or for such Costs, Charges, and Expences of any Officer of Sewers; and as relates to the Provision that Commissioners of Sewers might sue and be sued and Ejectment be brought or prosecuted as in the said Act is mentioned, and to the Provision as to the Abatement or Discontinuance of, and the taking or issuing Execution in, Actions and Suits; and as relates to reimbursing and paying every Clerk and Commissioner of Sewers the Costs, Charges, Damages, and Expences which he might pay, sustain, or be put unto or become chargeable with or liable to by reason of his being Plaintiff or Defendant, or his Name being used in legal Proceedings; and to making, levying, and raising a Scot, Rate, or Tax to carry into effect the last-mentioned Provision; and as relates to the making competent as a Witness the Clerk to a Commission of Sewers; shall be and the same is hereby extended to this Act; and every such Enactment in the said recited Act hereby so extended shall receive the same Effect as if every Clause in the said recited Act relating to every Matter or Thing above mentioned had been repeated Word for Word in this Act.

Commis-  
sioners may  
exercise  
Jurisdiction  
over all  
Places within  
the Limits  
named in  
their Com-  
mission.

II. And be it enacted, That the Commissioners for the Time being shall have Jurisdiction and may execute all Powers vested in them in and over all Places named or to be named in any Commission of Sewers for the said City and Liberty of *Westminster* and Part of *Middlesex*, and whether the Tide shall therein or in any Part thereof ebb or flow or not, and without reference thereto; and that all Brooks, Streams, Wydraughts, Tumbling-bays, Sluices, Cuts, Culverts, Ponds, Locks, Dams, Wears, Hebbing-wears, Flood-gates, Flaps, Engines, Traps, Gates, Walls, Defences, Coasts, Passages, Ways, Banks, Shores, Trenches, Gores, Gotes, Gutters, Calcies, Bridges, arched and other Sewers, Tunnels, Drains, Watercourses, Cesspools, Privies, Buildings, and all other Works, Materials, and Things therewith connected, now existing or made, or which hereafter shall exist or be made where none have heretofore been, or elsewhere, within the Limits of the said Commission, and also the Maintenance, Control, Direction, Alteration, widening, repairing, ordering, Destruction, Preservation, making, digging, forming, constructing, building, renewing, and cleansing, and the entire Management of the same, shall for the Purposes of such Commission be under the Control and Jurisdiction of the said Commissioners; and the Charges, Costs, and Expences of and attending the same, or in anywise connected therewith, shall and may, if necessary, be defrayed and paid out of the Rates and Assessments to be made and collected by the said Commissioners.

III. Pro-

III. Provided always, and be it enacted, That nothing herein contained shall be construed to extend to require such Commissioners at once to exercise such Jurisdiction as aforesaid over all Places within the Limits of the said Commission, but the said Commissioners may, if they shall think fit, forbear to exercise such Jurisdiction, either wholly or in part, over any Portion or Portions of such Places chiefly used for agricultural Purposes, or which in the Judgment of the said Commissioners are in such a State as not to require the Exercise of all or any of the Powers vested in the said Commissioners until such Time, under such Circumstances, and in such Manner, as they shall think fit.

Commissioners not required at once to exercise Jurisdiction, but may postpone the same.

IV. And be it enacted, That after the passing of this Act it shall not be lawful to build any House within the Limits of any Level, Division, or District formed or to be hereafter formed within the Limits of the said Commission, unless a Sewer to carry off the Drainage thereof be first constructed, to the Satisfaction of the said Commissioners, of such Material, of such Size, and at such Level, and with such Fall, as they shall direct; which Sewer shall lead to and communicate with such other Sewer as the said Commissioners shall direct: Provided always, that if there shall be already a Sewer sufficiently near, in the Judgment of the said Commissioners, to any such Premises, then instead of a new Sewer a sufficient Drain shall be made to lead from such House into such existing Sewer; and the Expence of building such Sewer or Drain as aforesaid shall in all Cases be borne by the Owner of such House, unless the said Commissioners shall think that from the peculiar Situation of the Property it may be just and equitable that a Portion of the Expences of such Sewer, but in no Case of a Drain, should be borne by the Level, Division, or District in which such Sewer is situate; and in every such Case the Commissioners are hereby authorized and empowered to throw such Portion of the Costs of such Sewer as may be just on such Level, Division, or District.

No Houses to be hereafter built within the Limits of the Commission unless a Sewer or Drain be first constructed.

V. And be it enacted, That if any Person shall proceed to build any House in contravention of the Provisions herein-before contained, the said Commissioners are hereby authorized to punish him and all Persons whomsoever employed by him, by Fine, Amerciament, or otherwise, as for an Obstruction and Hinderance of the Commissioners in the Execution of the Duties imposed upon them; and such Commissioners are hereby authorized to make all such Orders, Regulations, and Bye Laws, as to a Court of Sewers may seem advisable, for requiring proper Plans to be presented, and for taking the proper Levels, and generally for carrying into full Effect the Provisions lastly herein-before contained.

Penalty for proceeding to build Houses until Sewer made.

Court of Sewers may make Bye Laws, &c.

VI. Provided always, and be it enacted, That no Person shall be required to expend a greater Sum for such Sewer than after the Rate of Twenty Shillings *per* Foot, according to the Extent of the Frontage of his Property, and that any House wholly unconnected with any public Sewer, and at a Distance of not less than Two hundred Feet from any public Road or other House, shall not be liable to make

Exemption in certain Cases.

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such

such Sewer or Drain as aforesaid, unless such Sewer or Drain shall be required by the Presentment of a Jury.

All Houses built before or after passing of this Act within 100 Feet of a Sewer to be drained according to certain Regulations.

VII. And be it enacted, That in all Cases where any House built before or after the passing of this Act within the Limits of any Level, Division, or District formed or hereafter to be formed by the Commissioners shall not be drained to the Satisfaction of the said Commissioners, and if there shall be a Sewer within One hundred Feet of any Front of the Building or of the Enclosure about the same, properly adapted, in the Judgment of the Commissioners, for the draining such House, it shall be lawful for the said Commissioners to order the Owner or Occupier at his Expence to drain such House, by continuing such Sewer up to and along the entire Frontage of the said House and Premises, and by constructing a covered Drain to lead from such House to such Sewer, in such Manner as the said Commissioners shall order and direct, and also, when there shall already be a Sewer in front of any House adapted to the Drainage thereof as aforesaid, then the Commissioners shall order and direct such Owner or Occupier to construct a covered Drain to lead thereto and connect therewith, and also to contribute such Sum as the Commissioners shall deem just towards the Expence 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 said Sewer; and if during Twenty-eight Days next after Notice from the said Commissioners shall have been delivered to the Occupier, or if there be no Occupier to the Owner of such House, or if no Owner or Occupier can be found, then after the Notice shall have been left at such House, the Owner or Occupier of such House shall refuse or neglect to construct such Sewer and Drain or shall thereafter fail to carry on and complete them with all reasonable Despatch, it shall be lawful for the said Commissioners to construct the same, and to recover the Expences to be incurred thereby and the Amount of such aforesaid Contribution by Distress and Sale of the Goods and Chattels either of the Owner of such House or the then present or any future Occupier thereof by Warrant under the Hands and Seals of Six of the said Commissioners.

Power to make Sewers, to arch over open Sewers, and dispose of Contents.

VIII. And whereas it is desirable to prevent any Doubt as to the Power of the said Commissioners to make or order the making of Sewers; be it enacted, That wherever and whenever it shall appear to the Court of Sewers to be necessary to do so, it shall be lawful for the said Commissioners, without the Presentment of a Jury, to stop up any of the Streets, Lanes, Squares, Courts, Alleys, and all and every Road and public Place within the Limits of their Commission, and to prevent the Public from passing along and using the same for a reasonable Time before and during the Progress of the Works, and that the said Commissioners may employ such Contractors, Workmen, or others as to them may seem necessary in doing all such Works for building Sewers and making or altering Drains and Watercourses, whether or not Sewers, Drains, or Watercourses have theretofore existed either there or thereabouts, and to build arched or covered Sewers in lieu of the main, open, or public Sewers, and

and all such Sewers shall be built in such Direction, at such Level, and in such Manner in every respect as the said Commissioners shall order and approve; and in case it shall be found necessary for making or completing any of the aforesaid Works to build, carry, and continue the same into and through any enclosed Lands or other Place not being a public Way, it shall be lawful for the said Commissioners to build, carry, and continue the same into or through the said Lands or other Place accordingly, making full Compensation to the Owners and Occupiers thereof, and also to cause such Sewers to communicate with and empty themselves into any public River, Stream, or Watercourse, or to cause the Refuse from such Sewers to be conveyed by an appropriate Channel to the most convenient Site for its Collection and Sale, and its Application as Manure for agricultural or other Purposes, as may be deemed most expedient by the said Commissioners, but so that the same shall in no case become a public Nuisance or Annoyance to the Neighbourhood, and all such Sewers, Works, and Premises shall belong to and be at all Times under the Control, Care, and Management of the said Commissioners.

IX. And be it enacted, That where any Sewer shall be made by the said Commissioners where no Sewer previously existed, or in lieu of an open Sewer, the Cost, of making or arching the same shall be borne in the Manner herein-after specified by the several Owners of the Lands and Tenements abutting on the Street or Way under which the same is made, in proportion to the several Lengths of Frontage so abutting, which Proportions shall be settled by the said Commissioners, either by General Rules and Regulations which the said Commissioners may make, or by Orders in particular Cases, as to them may seem expedient; and it shall be lawful for the Commissioners when they shall have undertaken the Construction thereof to charge the said several Owners the Cost of constructing the same, to be paid by Five yearly Instalments, the first Instalment being payable as soon after the Completion of the Sewer as the Commissioners shall require the same.

Cost of Sewers to be borne by Owners according to Extent of Frontage.

X. Provided always, and be it enacted, That if in the Judgment of the Commissioners a larger Sewer than is necessary for the Drainage of the immediate Neighbourhood is made or ordered to be made as aforesaid by the said Commissioners, then it shall be lawful for the said Commissioners to relieve such Owners as aforesaid by ordering such Portion of the Expences incurred in making or arching such Sewer as may be just to be paid by the Level or District or Levels or Districts in which the same may be situate, as may in the Judgment of the said Commissioners receive Benefit or Advantage from such Sewer.

Power to relieve Owners in certain Cases.

XI. And be it enacted, That, subject to the Provisions herein contained, the Instalments payable for making any Sewer or Drain, and all Rates which the said Commissioners are empowered to assess and shall assess upon or in respect of any Houses, Lands, or Tenements within their Limits, or on any Person in respect thereof, shall if not paid be recoverable by Distress and Sale of the Goods and Chattels, either of the Owner or of the then present or future Occupier

Costs recoverable from Owner or Occupier by Distress.

pier of such Houses, Lands, and Tenements, by Warrant under the Hands and Seals of Six of the said Commissioners.

Tenants may deduct Sums paid according to their Interest.

XII. And be it enacted, That in every Case in which any Tenant or Occupier of any House, Land, or Tenement shall under or in pursuance of this Act have paid any Sum for making, repairing, or cleansing any Sewer or Drain in respect of his Occupation of such Lands or Tenements, he shall be entitled to deduct from his Rent such Part of the Amount so paid by him as is herein-after specified, (that is to say,) if at the Time of such Payment he is a Tenant for an unexpired Term of Seven Years, or any less Time, he may deduct Nine Tenths of the whole Amount paid by him; if for more than Seven Years and not more than Fourteen Years, he may deduct Four Fifths thereof; if for more than Fourteen Years and not more than Twenty-one Years, he may deduct Three Fifths thereof; if for more than Twenty-one Years and not more than Twenty-eight Years, he may deduct Two Fifths thereof; if for more than Twenty-eight Years and not more than Thirty-five Years, he may deduct One Fifth thereof; but if more than Thirty-five Years, he shall not be entitled to deduct any Part thereof.

As to Payments by Tenants under renewable Leases.

XIII. Provided always, and be it enacted, That any Tenant under a Lease containing a Covenant for Renewal thereof shall be deemed Tenant for the full Term to which his Holding may be extended under such Covenant, and that every Tenant for a Term depending upon a Life or Lives shall be deemed a Tenant for such absolute Term of Years as shall be of the same Value as such contingent Term according to the Government Tables for the Purchase of Life Annuities, and every Lessor, being himself also a Tenant or Lessee of any Land or Tenement, and from whose Rent any Part of the Amount so paid to the Commissioners as aforesaid shall have been deducted, shall be entitled in like Manner to deduct from the Rent payable by him to his Lessor such Part thereof as according to the Provision herein-before contained he would have been entitled to deduct from his Rent had he paid to the Commissioners as aforesaid the Sum so deducted from the Rent payable to him; and the Receipt of the Commissioners, or of their Treasurer or Clerk, or other Officer duly authorized in that Behalf, shall be in each Case a sufficient Discharge to any Tenant or Occupier for so much of the Rent as is hereby authorized to be deducted.

Special Contracts not to be affected.

XIV. Provided always, and be it enacted, That nothing herein contained shall be taken as between the Parties to affect any special Contract between any Lessor and Tenant or Occupier of any Lands or Tenements whereby it may have been or shall hereafter be agreed between them that the Tenant or Occupier shall defray the Charges of making, repairing, or cleansing all or any Sewers or Drains belonging thereto.

Provision for the Relief of Tenants from Year to

XV. Provided always, and be it enacted, That no Occupier of any House, Land, or Tenement from Year to Year or for a less Term shall be required to pay for making, repairing, or cleansing any Sewer or Drain more than the whole Amount of Rent which was due and payable

payable from him at the Time when the Notice herein-before mentioned in each Case shall have been delivered to him or left upon the Premises as aforesaid, or which shall thenceforth from Time to Time accrue and become payable by him, unless he shall neglect or refuse, upon Application made to him for that Purpose by or on behalf of the Commissioners of Sewers truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded of any Occupier is greater than the Rent which was due by him at the Time of such Notice, or which shall have since accrued, shall be upon such Occupier, but nothing herein contained shall relieve the Owner from the Payment of the full Amount.

Year or for  
a less Term.

XVI. And be it enacted, That before making any Sewer in any public Street, Lane, Way, or Place where no Sewer previously existed the Commissioners shall, when the estimated Cost of the Work shall exceed Three hundred Pounds, give Notice of their Intention to make such new Sewer or Drain, by affixing a printed or written Notice, Twenty-eight Days at least before making any final Order for such Work to the principal Door of the Parish Church of the Parish, Township, or Place in or through which such Sewer shall pass, or if there be no such Church, then on some conspicuous Place within such Parish, Township, or Place, and also by inserting, at least Twenty-eight Days before making any final Order as aforesaid, the like Notice once at least in One or more of the Newspapers published or circulated within the Limits of the said Commission, which Notice shall specify the Works intended to be undertaken, and shall also set forth the Name or Names of the Place or Places through or near which the said Sewer shall be intended to pass, and the Notice shall also set forth the Time and Place appointed for holding the Court or Meeting of the said Commissioners to consider thereof; and all Persons who shall deem themselves interested therein, or likely to be aggrieved thereby, shall be entitled to be heard by themselves, their Counsel, Attornies, Agents, and Witnesses before the said Commissioners at their said Court, and thereupon the said Commissioners shall make such Order for adhering to or abandoning or altering the said intended Work as they shall think fit.

Commis-  
sioners to  
cause Notice  
to be given  
of proposed  
public  
Works.

XVII. And be it further enacted, That it shall be lawful for the Commissioners of Sewers from Time to Time, as Occasion shall require, to borrow and take up at Interest any Sum or Sums of Money for the Purchase of Messuages, Lands, Tenements, or Hereditaments, or for defraying the Costs, Charges, and Expences of any Work or Works required to be done within the Limits of their Commission, or for the making and maintaining any new Sewer, or for the more effectually and better draining and carrying off Waters and Drainage, or for the building, constructing, repairing, amending, renewing, and maintaining any Flood-gates, Sluices, Bridges, Dams, or other necessary Works, or for any other Construction, Work, Matter, or Thing which the said Commissioners shall judge necessary or expedient for the more effectual Defence, Security, and Improvement of the Lands, Tenements, and Hereditaments within their Limits, and the Repayment of all such Sum and Sums of Money, with Interest, shall and

Power to  
Commis-  
sioners to  
borrow Mo-  
ney for the  
Purposes of  
this Act.

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may

may from Time to Time be secured to the Party lending the same upon or by virtue of a Decree or Ordinance under the Hands and Seals of the Commissioners or any Six of them (which Decree and Ordinance they are hereby authorized to make), which Decree and Ordinance shall charge the Lands and Hereditaments receiving Benefit or avoiding Damage from the said several Works, and the Owners or Occupiers for the Time being thereof, with the Payment of such Sum and Sums of Money, with Interest, according to the Proportions and in the Manner returned in and by any Presentments touching or concerning the Costs and Charges of such last-mentioned Works or the Lands, Grounds, Tenements, and Hereditaments receiving Benefit or avoiding Damage thereby.

Period for  
Payment  
of Money  
borrowed  
limited.

XVIII. Provided also, and be it enacted, That it shall be provided, expressed, and declared in and by the said Decree and Ordinance, that the Sum or Sums of Money so borrowed and taken up thereon shall be repaid within a Time to be named in such Decree and Ordinance, not being of a longer Period than Fourteen Years from the making thereof, by equal annual or shorter Instalments, together with Interest on the Sum or Sums so borrowed or taken up, or on such Part thereof as shall from Time to Time remain due and unpaid, and the said last-mentioned Decree and Ordinance shall be and remain in full Force and Effect until such Sum or Sums of Money, and all Interest thereon, shall have been fully paid and satisfied, any thing in the said recited Acts or this Act contained, or any Custom or Usage, to the contrary notwithstanding.

Power to  
Commis-  
sioners to  
borrow  
Money of  
Exchequer  
Bill Loan  
Commis-  
sioners  
under 4 & 5  
Vict. c. 9.

XIX. And be it enacted, That it shall be lawful for the Commissioners for the Issue of Loans for Public Works and Fisheries for the Time being, and they are hereby authorized and empowered, if they shall think fit, by and out of the Monies from Time to Time placed at their Disposal under the Act of the Fifth Year of the Reign of Her present Majesty, 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 of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purpose*, or any subsequent Act, to advance and lend to the said Commissioners of Sewers for the Time being any Sum or Sums of Money, which such last-mentioned Commissioners are hereby authorized to borrow, the Repayment of any such Loan to be secured on the Rates to be raised by Commissioners of Sewers in such Manner as the said Commissioners for the Issue of Loans shall think fit.

Power  
to cause  
private  
Lands to be  
properly  
drained.

XX. And be it enacted, That whenever it shall appear to the said Commissioners that private Lands or Grounds, Houses and Premises, and whether or not joining on or connected with any public Street or Thoroughfare, are not sufficiently drained, or that it is necessary for the Health of the District, it shall be lawful for the said Commissioners to summon the Owner of such Land or Premises to show Cause why he should not build proper Sewers for the Sewerage thereof, and if such Person shall refuse or neglect to build such Sewers, it shall be lawful for the said Court, upon the Presentment of a Jury, to order and direct such Person to make such Sewers and do such  
Works

Works for the sewerage the Property as the Commissioners may direct; and in any or either of such Cases it shall be lawful for the said Commissioners, upon the Presentment of a Jury, to direct a Portion of the Expence thereof to be paid by the Level, Division, or District in which the same may be situate, if it shall seem just and necessary to relieve such Owner, and so as that regard may be had to the Benefit to be conferred on the Property and the Level, Division, or District in general, and it shall be lawful for the said Commissioners to require the Owner of such Property to carry the Sewers to the outside Boundary of his Property, and also carry on his Sewers and Works so as to allow the proper Sewerage of the Level, Division, or District to be maintained; and in case any Person shall refuse to obey the Order of the said Commissioners in the Premises, or any of them, the said Commissioners shall and may punish such Persons by Fines, Penalties, Amerciaments, or otherwise, as provided by the said Statutes of Sewers; and in case such Sewers or Works shall not be built or made, the said Commissioners are hereby empowered and authorized to perform the same, by Contractors or others, out of the Rates, or otherwise out of the Funds under their Control, and the Expence incurred in and about such Works may be levied on the Goods, Chattels, and Effects of any such Owner or other Person, not only on the said Premises but elsewhere, by Warrant of the said Commissioners, or any Six of them; and any Decree or Order of the said Commissioners for the Payment of any such Expence shall have the same Force and Effect in all respects against the Property or Person of such Owner or other Person as a Decree, Judgment, or Order of any of Her Majesty's Courts of Record for the Payment of Money would have.

XXI. Provided always, and be it enacted, That any House or Lands wholly unconnected with any public Sewer, and at a Distance of not less than Two hundred Feet from any public Road or other House, shall be exempted from the Operation of the last preceding Enactment, unless upon the Presentment of a Jury it shall be found expedient to bring such Property within the Operation of the said Clause. Exemption in certain Cases from Operation of previous Enactment.

XXII. And be it enacted, That for the Purpose of viewing the Sewers, Drains, and Watercourses within the Limits of the said Commission, and for the Purpose of making or repairing the same, and otherwise for carrying the Powers entrusted to the said Commissioners into full Execution, it shall be lawful for the said Commissioners to pass over and along any Lands or Grounds, by themselves, their Workmen, Servants, and others, with or without Horses or Carriages, and to remove, or cause by their Order to be removed, all Fences or Obstructions or Hindrances to the Right of the said Commissioners, and their Workmen, Servants, and others, to pass as aforesaid, they the said Commissioners making such reasonable Compensation as to the said Commissioners shall seem just to all Persons who may sustain immediate Injury by the Exercise of the Right hereby granted. Power to pass over Lands, &c., making Compensation.

XXIII. And whereas it may become desirable wholly or in part to destroy, divert, or stop up certain of the Sewers within the said Limits, Power to abandon existing

Sewers, and  
make new  
ones.

Limits, and to make another Sewer or other Sewers in an entirely new Direction; be it enacted, That whenever a Sewer shall be found not to be adapted for the Purpose of sewerage any Road, Street, or Place within any Level, Division, or District, it shall be lawful for the said Commissioners, either wholly or in part, to destroy, divert, or stop up any such Sewer, and to build and make, by such Persons as they may think fit to employ, One or more entirely new Line or Lines of Sewer, or a Line or Lines partly composed of the old and partly of a new Line or Lines, and to make all necessary Works for communicating therewith, and all Works, Matters, and Things necessary to carry out and perfect the same; and all the Expences, Costs, and Charges attending the same, so far as such Expences, Costs, and Charges shall fall upon the said Commissioners, shall be paid and borne out of the Rates and Funds under their Control.

No Sewer to  
be stopped up  
till Drainage  
provided.

XXIV. Provided always, and be it enacted, That no Sewer shall be destroyed, stopped up, or diverted until proper and efficient Drainage be provided for Houses and Premises draining into the old Sewer, or in such other Way as the said Commissioners shall direct.

Power  
to cause  
stagnant  
Pools and  
other offen-  
sive Matters  
to be abated  
or removed.

XXV. And whereas the said Commissioners have been unable in certain Cases to prevent Nuisances arising from stagnant Pools and Waters and other offensive Collections, by reason of the Doubt whether the said Commissioners had Power to interfere with Pools, Ponds, Drains, or Places not immediately connected with any Sewer or Drain within their Limits; be it enacted, That whenever the said Commissioners shall observe the Existence of any Pool, Ditch, Pond, Drain, or Place where may be collected any Drainage or Matter of an offensive Character, and likely to be prejudicial to Health, or a Nuisance, it shall be lawful for the said Commissioners to summon the Owner or Occupier of the Premises where such Nuisance may exist or other Party who may have caused the same, and require him to put an end to and abate the same, either altogether by filling up such Pool, Ditch, Drain, or Place, or Collection of offensive Drainage, Refuse, or other Thing, or by building or making a proper Sewer or Drain for the Discharge thereof; and in case such Party upon being duly summoned shall not satisfy the said Commissioners that he has removed such Nuisance, or that he will do so in a reasonable Time, it shall be lawful for the said Commissioners from Time to Time, and as often as may be necessary, to summon a Jury before the Court of Sewers to inquire into the Matter; and in case the Jury upon that Inquisition shall find the Person offending in the Premises, the said Commissioners may impose such Fine or Amerciament upon the Party as may be reasonable, and as shall be equal at least to the Cost either of removing the Nuisance or providing suitable and proper Drainage, and of the Expence of all such Proceedings; and the said Commissioners may, by their Warrant under the Hands and Seals of Six Commissioners, levy the Amount of such Fine or Amerciament upon the Lands, Houses, Goods, and Effects of the Party so presented; and the said Commissioners may, on default of the Party so to do, remove or abate such Nuisance as aforesaid, or cause all such Works as may be necessary to provide proper Sewerage to be built and done, and the said Commissioners, and all whom they may authorize, may enter upon

upon Lands, Houses, Grounds, and Premises for the last-mentioned Purposes: Provided always, that if the Jury shall be satisfied and present, in any or either of such Cases, that it would be for the Benefit of the Level, Division, or District that a Portion of the Expence of any new Works to be made for removing such Nuisance should be borne by the Level, Division, or District, the Jury and the said Commissioners by their Presentment and Decree may order and direct that such Portion of the Expence as may be reasonable shall be borne by such Level, Division, or District, and in such Cases the said Commissioners are hereby authorized and empowered to apply such Amount so to be borne as aforesaid out of the Funds under their Control in aid of the Party who may be presented.

XXVI. And be it enacted, That before making any new Drain into any Sewer from any House, Land, or Tenement within the Limits of this Act, Notice thereof in Writing shall be given to the said Commissioners, and that every such new Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, and under such Regulations, as the said Commissioners of Sewers shall order; and every such Drain shall be under the Survey and Control of the said Commissioners; and in default of such Notice, or if such Drain shall be begun or made without or in any respect contrary to any Order of the said Commissioners or the Provisions of this Act, it shall be lawful for the Commissioners to cause such Drain to be cut off, stopped, demolished, amended, or rebuilt, at any Time after the same shall have been discovered, as the Case may require, and to cause the Expences thereof to be levied by Distress and Sale of the Goods and Chattels of the Person making or building such Drain or occupying the Land drained thereby, or building or occupying such House, by Warrant under the Hands and Seals of any Six or more of the said Commissioners, and the Commissioners may otherwise punish such Offender by Fine or Amerciament, in such Manner and Form as any Fine or Amerciament may be set or imposed by the said Commissioners of Sewers according to the Laws of this Realm relating to the Authority of Commissioners of Sewers: Provided nevertheless, that if the Commissioners, by their own Workmen or by their Contractor, shall build any such Drain as aforesaid, and the Entry into the Sewer, it shall not be lawful and they are hereby required not to charge for the building of the first Three Feet of such Drain next the Sewer and the Entry into such Sewer a larger Sum than Ten Shillings; and the said Commissioners shall and they are hereby required, in case they so build such Drain and make such Entry, so to construct such Drainage as that the same may as efficiently and effectually as the Circumstances will admit take the Drainage from the Premises to be drained.

Notice of Construction of new Drains to be given to Commissioners, and to be under their Control.

XXVII. And be it enacted, That all Drains, as well within as without the Lands and Tenements to which they belong, and all Watercourses used for Drains, within the Limits of this Act, shall be under the Survey and Control of the said Commissioners, and of the Surveyors and Officers appointed by them for that Purpose, and shall be repaired and cleansed at the Cost and Charge of the Owners or Occupiers of the Lands and Tenements to which the same shall belong; and if the Owner or Occupier of any Land or Tenement

Power to enforce the Repair and cleansing of Drains, &c.

to which any Branch Drain or Watercourse shall belong shall neglect to repair or cleanse the same in manner required by the said Commissioners, during Fourteen Days after Notice in Writing for that Purpose signed by any such Surveyor or Officer shall have been given to such Occupier or left upon the Premises, which Notice he or they are authorized to give only in case of reasonable Complaint being made, it shall be lawful for the said Commissioners to order such Drain or Watercourse to be repaired and cleansed, and in default to punish any Offender by Fine or Amerciament in such Manner and Form as any Fine or Amerciament may be set or imposed by the said Commissioners of Sewers according to the Laws of this Realm relating to the Authority of Commissioners of Sewers.

Power to  
raise Banks,  
&c.

XXVIII. And be it enacted, and it is hereby declared, That whenever it shall be necessary in the Judgment of the said Commissioners that the Banks or Walls abutting on any River, Stream, Canal, or Watercourse shall be raised, strengthened, or otherwise altered, it shall lawful for the said Commissioners to enter upon any Lands, and to cause all such Works to be done as may be necessary for the Purpose; and all such Parts of the Expence as shall exceed the Amount which would be incurred by the Repair thereof according to the Liability of any Person so to repair the same shall be borne and paid by the District or Division or Level in which the same may be situate, and the said Commissioners are hereby authorized to adjust and settle the Proportions so to be paid: Provided always, that nothing herein contained shall exempt any Person from Liability to raise such Banks, or do such Works, or pay the whole Cost thereof, where by Law, or by Prescription, Tenure, or otherwise, he is so liable.

Power to  
summon a  
special  
Court.

XXIX. And be it enacted, That in the event of any Emergency which may arise, or if from any Cause it shall appear absolutely necessary, it shall be lawful for Six Commissioners out of Court to require the Clerk, by a Requisition in Writing signed by them, to convene a special Meeting of a Court of Sewers for as early Day, Hour, or Time as the said Commissioners shall appoint; and no Business shall be transacted thereat except that which relates to the Subject for which such Court shall have been convened and mentioned in the Requisition, or which having arisen in the meantime may, in the Judgment of the Court, be absolutely necessary to be then disposed of.

Prohibiting  
Commis-  
sioners  
voting if  
interested.

XXX. And be it enacted, That in case of any Matter or Thing arising before the Court of Sewers in which any Commissioner shall be personally interested, the Commissioner so interested shall have no Vote, but shall withdraw during the voting upon such Matter or Thing until the Subject shall have been determined by the rest of the Commissioners.

Commis-  
sioners  
not to be  
personally  
liable.

XXXI. And be it enacted, That no Matter or Thing to be done by the said Commissioners, if done *bonâ fide*, although the same may not be adjudged to be done according to Law, shall subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever by any Person or Persons whomsoever, and any Expence which the said Commissioners may be put to in defending any Action

or otherwise connected with the Execution of this Act shall be borne and repaid out of the Funds under the Control of the said Commissioners.

XXXII. And whereas in many Cases it is and may be difficult to ascertain who are the Owners or Occupiers of Houses, Lands, or Premises; be it enacted, That it shall not be necessary for the said Commissioners or any Jury in making a Rate or Presentment to describe the Person who may own or occupy the same, but that in all Cases where it is unknown who is the Owner or actual Occupier it shall be sufficient for the Court of Sewers or the Jury to describe the Property either by the Number or Name of the Houses, Lands, or Premises in a Street or other Place, or by any other convenient Mode, and that a Distress may be made in the Premises, and the Goods of any Person may be taken therein, or the Owner, whether he be Tenant for Life, Tenant in Tail, or be legally or beneficially entitled to the Rents, may be compelled by Order of the Commissioners to pay the Rates, or in default the Property of any such Person may be seized and taken in any Place whatsoever, by Warrant from the said Commissioners, and sold, or the said Party may otherwise be proceeded against.

Power to rate by stating the Number or Name of a House.

XXXIII. And be it enacted, That all the Powers, Clauses, and Provisions contained in the said herein-before recited Statutes of the Twenty-third *Henry* the Eighth, the Thirteenth *Elizabeth*, the Third *James* the First, and Second *William* and *Mary*, the Seventh *Ann*, the Forty-seventh *George* the Third, and the Fifty-second *George* the Third, and remaining unrepealed, shall continue in force, and be in nowise abrogated or annulled unless the same are clearly inconsistent with and repugnant to the Provisions in this Act contained.

All Powers, &c. of recited Statutes unrepealed to remain in force.

XXXIV. And be it enacted, That it shall not at any Time be lawful for the said Commissioners to open or break up the Ground in any Street, Road, or other Place in which the Mains or Pipes of the *London* Gaslight Company are laid, for the Purpose of building any Sewer where none previously existed, without having given Forty-eight Hours previous Notice to the said Company of their Intention so to do; and in such Case the said Commissioners shall and they are hereby required, by proper Means, to support the Mains and Pipes of the said *London* Gaslight Company; and in every Case when such Ground shall be open or broken up by the said Commissioners the same shall with all convenient Speed after the Completion of the Works of the Commissioners be properly restored, so as to prevent any Injury to the Mains and Pipes of the said Company by the Traffic passing over the same along the Streets or Roads or otherwise; and in case, in the Execution of any such Works, any Damage or Injury shall be occasioned to the Mains or Pipes of the said Company, the said Commissioners are hereby empowered and directed to make such Compensation as the Circumstances may require.

No Street in which the Pipes of the *London* Gaslight Company are laid to be broken up without giving Notice of the same.

XXXV. And be it enacted, That in the Interpretation of this Act the Word "Person" or "Persons" shall be deemed to include the Queen's most Excellent Majesty, a Body Politic, Corporate, or Collegiate,

Interpretation of Act.

legiate, Corporations aggregate or sole, and the Masculine as well as the Feminine Gender; and every Word used in the Singular Number shall extend to the Plural; and the Words "Land" or "Lands and Tenements" shall include all Lands, Gardens, Nursery Grounds, Buildings, and every Species of Hereditaments, corporeal or incorporeal, and whether Freehold or of any other Tenure; and the Word "Commissioners" shall mean the Commissioners for the Time being appointed or to be hereafter appointed under any Commission of Sewers for the City and Liberty of *Westminster*, and Part of the County of *Middlesex* aforesaid, or any Part or Parts thereof; the Word "Owner" as applied to Lands, Houses, and Grounds shall mean and include every Person who shall be in the actual Possession or Receipt of the Rents and Profits thereof without any regard to his real Interest; and the Word "House" shall comprise every Species of Building.

Saving the Rights of the Crown and of the Admiralty.

XXXVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate or interfere with the Rights, Powers, and Authorities of Her Majesty, or the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or to the taking away, abridging, or impeaching in any Manner whatsoever the Jurisdiction of the High Court of Admiralty.

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

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall 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 passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames* or otherwise, did or might lawfully claim, use, or exercise; and if any Works inconsistent with such Estates, Rights, Interests, Liberties, Privileges, Franchises, Powers, Authorities, or Jurisdiction as aforesaid shall at any Time hereafter be required to be done by the Commissioners under the Powers vested in them by this Act, then such Works shall be approved by the Lord Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled, previously to the Execution thereof; and the said Works shall be performed to the Satisfaction of the Clerk of the Works of the *Thames* Navigation for the Time being.

Public Act.

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