

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxxi.

An Act for reclaiming from the Sea certain Lands on and near the Eastern and South-eastern Coast of *Essex*; for making Conduits from the *North London* Main discharging Sewers to the Coast of *Essex*; for utilizing the Sewage of *North London*; and for other Purposes.

[19th June 1865.]

WHEREAS by "The Metropolis Management Act, 1855," 18 & 19 Vict. c. 120. it was (Section 135) enacted (among other things) that the Metropolitan Board of Works (hereafter in this Act called "the Board") should make such Sewers and Works as they might think necessary for preventing all or any Part of the Sewage within the Metropolis from flowing or passing into the River *Thames* in or near the Metropolis, and that all Sewers and Works made by the Board should vest in them, and that the Board should cause the Sewers 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 might construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works

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as might be necessary, and might cause the Sewage and Refuse from such Sewers to be sold or disposed of as they might see fit, but so as not to create a Nuisance, and the Money arising thereby should be applied towards defraying the Expenses of the Board: And whereas by "The Metropolis Management Amendment Act, 1858," after reciting that it was necessary, with a view to the Health of the Metropolis, that Works should be speedily undertaken and completed for the Purification of the River *Thames*, and for the Improvement of the Drainage of the Metropolis, and that for that Purpose it was expedient that "The Metropolis Management Act, 1855," should be amended, it was enacted (among other things) to the Effect following:

- (1.) That the Board should cause to be commenced as soon as might be after the passing of that Act, and to be carried on and completed with all convenient Speed, and according to such Plan as to them might seem proper, the necessary Sewers and Works for the Improvement of the Main Drainage of the Metropolis, and for preventing, as far as might be practicable, the Sewage of the Metropolis from passing into the River *Thames* within the Metropolis:
- (2.) That the Board should cause all Works to be executed under that Act to be constructed and kept so as not to be a Nuisance, and should, in disposing of any Sewage or any Refuse from Sewers, act in such Manner as not to create a Nuisance:
- (3.) That it should be lawful for One of Her Majesty's Principal Secretaries of State, at his Discretion, on Representation or Complaint made to him of any Nuisance committed in the Execution of any Works, or in disposing of any Sewage or Refuse from Sewers, or in any other Manner under that Act, to cause Inquiry to be made into the Matter represented or complained of to him, and to direct such Prosecution or Prosecutions, or to take such other Proceedings as he might think fit, in order to ensure the Prevention or Abatement of such Nuisance as aforesaid:

And whereas the Board have proceeded in the Execution of Sewers and Works for the Improvement of the Main Drainage of the Metropolis, as directed by the said Acts: And whereas, for the Purposes of the Main Drainage of the Northern Area of the Metropolis, the Board have constructed, among other Works, Main Outfall Sewers for carrying the Sewage of the Northern Area down to *Barking Creek* in the River *Thames*: And whereas it would be a great public Advantage if the Sewage collected in the said Northern Main Outfall Sewers, and discharged into the *Thames*, could be collected and transmitted for the Fertilization of the Lands lying to the East of *London*, and the Surplus thereof conveyed into the Sea near to the *Foulness* and *Dengie* Sands in the County of *Essex*: And whereas

certain

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certain Marshes, Mudbanks, Sandbanks, and Waste Lands of considerable Extent in the County of *Essex*, known as the *Foulness Sands*, the *Dengie Flats*, *St. Peter's Sands*, and the *Ray Sands*, are now covered with Water at High Tide, and are consequently unproductive, but are capable of being reclaimed, and converted to Agricultural Purposes: And whereas Her Majesty in right of Her Crown is or claims to be seised or possessed of the Soil and Freehold of the said Marshes, Mudbanks, Sandbanks, and Waste Lands, except such Portions of the same (if any) as may in Times past have been granted by Her Predecessors to or in favour of and which may be now vested in any other Persons: And whereas the Reclamation and Conversion to Agricultural Purposes of the above-mentioned Marshes, Mudbanks, Sandbanks, and Waste Lands would be attended with great local and public Advantage: And whereas the Persons herein-after named, with others, are willing to form a Company (in this Act referred to as "the Company") to undertake the Works necessary for carrying such Reclamation and Conversion into effect, in consideration of the Lands reclaimed being vested in such Company, subject to the Provisions herein-after contained: And whereas the Conversion to Agricultural Purposes, Fertilization, and Cultivation of the Lands so to be reclaimed would be greatly assisted and promoted by the Application of Sewage, and the Sewage of *London* on the North Bank of the *Thames*, or Part thereof, might advantageously be conveyed to these Lands, and used for this Purpose: And whereas the Metropolitan Board of Works have granted to the Honourable *William Napier* and *William Hope* the absolute and exclusive Right to and Property in the Sewage of the Northern Area of the Metropolis for a Period of Fifty Years; and the said Board and the said *William Napier* and *William Hope* have agreed, subject to the Approval of Parliament, that the Company shall, as the Assigns of the said *William Napier* and *William Hope*, have the Benefit of the said Grant, subject to the Provisions of this Act: And whereas, for giving Effect to the Objects of the Company's Incorporation, it is expedient that the Company should be authorized to make certain Conduits and other Works from the Northern Outfall Sewers of the Metropolitan Main Drainage in the Parish of *West Ham* in the County of *Essex*, and from the Eastern Reservoir of the said Drainage in the Parish of *Woolwich* in the County of *Kent*, to or near to the said Marshes, Mudbanks, Sandbanks, and Waste Lands, or some of them, and certain Sea Walls or Embankments for enclosing the said Marshes, Mudbanks, Sandbanks, and Waste Lands, or Parts thereof respectively: And whereas the Lands lying on either Side of the proposed Conduits might be fertilized and improved if irrigated by a Portion of the said Sewage, and it is expedient that the Company should be empowered to enter into such Agreements and execute such Works as may be necessary or proper for effecting such Irrigation of all or any Part of the said
Lands:

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Lands: And whereas a Plan describing the Situation of the said Marshes, Mudbanks, Sandbanks, and Waste Lands proposed to be reclaimed (and which are herein-after called "the Estuary Lands"), and a Plan and Section showing the Line and Levels of the Embankments and other Works proposed to be executed for reclaiming the same, and also showing the Lines and Levels of the intended Conduits, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace for the Counties of *Essex* and *Kent* respectively, and a Copy of the said Plan has also been deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and has been signed by the Honourable *Charles Alexander Gore*, One of such Commissioners, on which Plan the Lands proposed to be reclaimed under this Act are coloured Red: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The Metropolis Sewage and *Essex* Reclamation Act, 1865."

Interpre-
tion of
Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein-after mentioned shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "the Company" shall mean the Company hereby incorporated:

The Word "Lands" shall mean and include Green Samphire and other Marshes, Blacklands, Mudbanks, Sandbanks, Shoals, Flats, and Sands covered by the Sea at High Water, as well as ordinary Lands and other Descriptions of Property comprised under the Term "Lands" in "The Lands Clauses Consolidation Act, 1845:"

The Word "Works" shall mean and include all Embankments, Walls, Slopes, Cuts, Channels, and Watercourses, and also all Sewers, Culverts, Drains, Arches, Sluices, Locks, Lock Gates, Pumping Stations, Road Bridges, Quays, Banks, Water and other Works which may be necessary or convenient for carrying into effect the Objects and Purposes of this Act:

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The Expression "the Board" shall mean the Metropolitan Board of Works:

The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute:

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

3. "The Companies Clauses Consolidation Act, 1845," Parts I., II., and III. of the "Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and Debenture Stock, "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, except so far as they may be expressly altered or varied by this Act, be incorporated with this Act.

8 & 9 Vict.
cc. 16. & 18.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 18., in-
corporated.

4. The following Sections of "The Railways Clauses Consolidation Act, 1845," and of "The Railways Clauses Act, 1863," shall, except so far as may be expressly altered or varied by this Act, be incorporated with this Act, and shall be read as applying to the respective Works hereby authorized instead of to the Railway; that is to say, Sections 6 to 11 (inclusive), Sections 16 to 23 (inclusive), Sections 30 to 44 (inclusive), Sections 49 to 58 (inclusive), and 65, and Sections 140 to 160 (inclusive), of "The Railways Clauses Consolidation Act, 1845," and Sections 4, 13, 17, 18, and 19 of "The Railways Clauses Act, 1863."

Certain
Sections of
8 & 9 Vict.
c. 20. and
26 & 27 Vict.
c. 92. in-
corporated.

5. The Honourable *Henry William Petre*, the Honourable *William Napier*, the Honourable Major *Vereker*, Sir *William Russell Bart.*, M.P., *Samuel Lucas*, *William Hope*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes herein-after mentioned, and for those Purposes shall be and remain incorporated by the Name of "The Metropolis Sewage and *Essex* Reclamation Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and Power to hold and purchase Lands for the Purposes of the Undertaking, within the Restrictions contained in this Act and in the Acts and Parts of Acts incorporated herewith.

Subscribers
incorporated.

6. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent

First and
subsequent
General
Meetings.

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sequent Ordinary Meetings of the Company shall be held once in every Year in the Month of *August*, as the Directors may appoint, and all Ordinary Meetings shall be held in the Cities of *London* or *Westminster*; or such other Places as the Directors may appoint.

Quorum of
General
Meetings.

7. The Quorum of General Meetings of the Company shall be Ten Shareholders voting personally or by proxy, holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

Number and
Qualification
of Directors.

8. The Number of Directors shall be not more than Twelve nor fewer than Five, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Capital of the Company.

Quorum of
Directors.

9. The Quorum of a Meeting of Directors shall be Three.

First
Directors.

10. The Honourable *Henry William Petre*, the Honourable Major *Vereker*, Sir *William Russell* Bart., M.P., and *Samuel Lucas*, shall be Four of the First Directors of the Company.

Election of
Directors at
First Ordinary Meeting.

11. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent
Election of
Directors.

12. At the Ordinary Meeting to be held at the End of the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, and at each subsequent Ordinary Meeting to be held at the End of each Year thereafter, One Third of the Directors, or as nearly One Third as may be, shall retire from Office, and the Shareholders present personally or by proxy shall elect Persons to supply the Places of the Directors then retiring from Office in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf; and the Directors elected at any such Meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the last-mentioned Act.

Newspapers
for Adver-
tisements.

13. Advertisements relating to the Affairs of the Company shall be inserted in Newspapers published in the Counties of *Essex* and *Middlesex*.

14. The

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14. The Share Capital of the Company shall be Two million one hundred thousand Pounds divided into Two hundred and ten thousand Shares of Ten Pounds each, and such Capital shall be applied only in carrying into execution the Objects and Purposes of this Act.

Capital and
Shares.

15. At any Time or Times hereafter, either before or after the whole of the Capital for the Time being of the Company (whether consisting of the original Capital of the Company or of the said original Capital with the Increase thereof by the Creation and Issue of new Shares by the Exercise of the Power contained in this Section) shall have been actually paid up, it shall be lawful for the Directors for the Time being of the Company to enter into a Resolution, with the Sanction of not less than Three Fifths of the Votes of the Shareholders present in person or by proxy at a Meeting specially convened for the Purpose, and with the Consent of the Board, to increase the Capital of the Company, and to raise for the Purposes of this Act, by the Creation and Issue of new Shares, any Sum to be specified in such Resolution which such Directors shall think proper: Provided nevertheless, that the Capital shall never be increased so as to exceed, with the said original Capital of Two million one hundred thousand Pounds, the Sum of Three million Pounds.

Increase of
Capital.

16. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Two Months at the least shall intervene between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls which may be made in any One Year upon such Share.

Calls.

17. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

Shares not to
issue until
One Fifth
paid up.

18. Within such Period as shall be fixed from Time to Time by the Directors it shall be lawful for any Shareholder who shall have paid up One Half the Amount of any Share in the Capital of the Company under this Act to require such Share to be converted into Two Half Shares, whereof the One Half shall be, and after Division shall remain, fully paid up, and shall be denominated "Deferred Half Share," and the other Half of such Share shall be denominated "Preferred Half Share," and the same Half Shares shall thereupon be registered and Certificates issued accordingly, and thenceforth in respect

Power to di-
vide Shares
into "De-
ferred Half
Shares," &c.

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respect of each whole Share so divided the whole of the Dividends which would in each Year have been payable on the whole Share shall be applied in or towards Payment in the first place of a Dividend not exceeding Six *per Centum per Annum* on the Amount paid upon the Half Share so denominated "Preferred," and the Remainder, if any, shall alone be payable to the Half Share so denominated "Deferred;" provided that the Company shall not pay any other or greater Amount of Dividend upon the Two Half Shares than is for the Time being paid on each undivided Share: Provided also, that if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the full Amount of Dividends for the Year upon the Half Shares so denominated "Preferred," no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company; provided also, that no such Preferred Half Share shall be transferable until at least Two Pounds Ten Shillings shall be paid thereon; and that if, in pursuance of any Powers which may hereafter be vested in them, the Company shall hereafter guarantee the Payment of Dividends upon any Shares in preference to the Payment thereof on the Ordinary Shares of the Company, such Half Shares, whether preferred or deferred, shall be equally liable with the Ordinary Shares of the Company to such Preference.

Power to
borrow on
Mortgage.

19. The Company may from Time to Time borrow on Mortgage of their Undertaking, including (unless specially excepted) the Lands herein-after referred to as "the reclaimed Lands," or such of the said Lands as shall not be specially excepted, such Sums as they think fit, not exceeding in the whole Seven hundred thousand Pounds, but no Part of that Money shall be borrowed until the whole of the said Capital of Two million one hundred thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Justice who is to certify, under the 40th Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that all the said Capital has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share or Sum of Stock was paid on Issue of the same, and that such Shares or Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence).

Debenture
Stock.

20. The Company, when they are by this Act empowered to borrow Money on Mortgage, may create and issue Debenture Stock.

21. If

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21. If the Company create any new Capital by Resolution of the Directors under the Powers of this Act beyond the said Capital of Two million one hundred thousand Pounds, they may, in addition to the Sum of Seven hundred thousand Pounds, being One Third of the said Sum of Two million one hundred thousand Pounds, from Time to Time borrow on Mortgage such further Sums as they think fit, not exceeding in the whole One Third of the Amount of the new Capital so created, but no such further Sum shall be borrowed until the whole of the said Capital of Two million one hundred thousand Pounds, and the whole of the new Capital created by Resolution of the Directors under this Act, shall have been *bonâ fide* subscribed and issued, and One Half of the said new Capital shall have been paid up, nor until the Company shall have proved to the Justice who is to certify, under the 40th Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that all the said new Capital, and the Capital of Two million one hundred thousand Pounds, have been subscribed for *bonâ fide* and issued, and that One Half of the said new Capital has been paid up, and that not less than One Fifth of the Amount of each Share or Sum of Stock was paid on Issue of the same, and that such Shares or Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Further Powers of borrowing on Mortgage.

22. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being fully paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

23. The Company may raise the Amount which they are by this Act authorized to borrow on Mortgage, or any Part thereof, by means of Rentcharges, instead of borrowing the same, or raising the same by the Creation and Issue of Debenture Stock, subject nevertheless to the Provisions of this Act.

Power to grant Rentcharges in lieu of borrowing.

24. The Provisions of this Act requiring certain Matters to be proved before a Justice prior to the Exercise of the Power of borrowing on Mortgage under this Act shall be applicable also to the raising of Money by Rentcharges under this Act.

Certain Proofs to be given before a Justice before granting Rentcharges.

25. Any Rentcharges under this Act may be perpetual, and redeemable, or irredeemable, or terminable, and shall be charged upon all or any Part of the Undertaking or Lands of the Company as the Company think fit, and every such Rentcharge shall be indivisible.

Rentcharges may be perpetual, &c.

[Local.]

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26. Every

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Grant to
every Deed.

26. Every Grant of a Rentcharge under this Act shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Company, and may be in the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Rentcharges
to be paid
half-yearly.

27. Every Rentcharge under this Act shall be paid by half-yearly Payments out of the Revenues of the Undertaking or Part of the Undertaking charged with the Payment thereof, according to the Grant of such Rentcharge, and shall rank equally with the Interest upon Mortgages and Dividends upon Debenture Stock created under the Powers of this Act.

Recovery of
Arrears of
Rentcharges.

28. If within Thirty Days after any half-yearly Payment of any Rentcharge becomes payable, and after Demand thereof in Writing, it be not paid, the Owner of the Rentcharge may sue the Company in any Court of competent Jurisdiction for the Amount so in arrear, and without Prejudice to his Right so to sue may require the Appointment of a Receiver, by an Application made as by this Act provided, and for the Purposes of such Application the Rentcharges in arrear shall be deemed Interest in arrear on Mortgages granted under the Powers of this Act.

Register of
Rentcharges
to be kept,
and to be
open to In-
spection.

29. A Register of Rentcharges under this Act shall be kept by the Secretary, and within Fourteen Days after the granting and Date of any such Rentcharge an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Transfer of
Rentcharges.

30. From Time to Time any Party entitled to any such Rentcharge may transfer his Right and Interest therein to any other Person by a Deed duly stamped, wherein the Consideration shall be truly stated, and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of
Transfers to
be kept.

31. Within Thirty Days after the Date of any such Transfer it shall be produced to the Secretary, who shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Rentcharge, and for such Entry the Secretary may demand a Sum not exceeding Two Shillings and Sixpence, and after such Entry every such Transfer shall entitle the Transferee, his Heirs or Assigns, to the full Benefit of the original Rentcharge in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Rentcharge so transferred.

32. The

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32. The Powers of the Company for borrowing Money on Mortgage or by Debenture Stock shall be reduced by an Amount equal to Twenty Years Purchase of the Rentcharges granted by them under the Provisions of this Act.

Borrowing Powers reduced proportionally.

33. Subject to the Provisions and Restrictions contained in this Act and the Acts incorporated therewith, the Company may embank, warp, and reclaim the Marshes, Mudbanks, Sandbanks, and Waste Lands delineated and described in the deposited Plans and Books of Reference, and the Marshes, Mudbanks, Sandbanks, and Waste Lands so to be reclaimed are herein-after referred to as "the Estuary Lands," and all Lands so from Time to Time embanked and reclaimed are herein-after referred to as "the reclaimed Lands."

Power to embank and reclaim Lands.

34. For this Purpose, and subject to such Provisions and Restrictions, the Company may from Time to Time make and maintain upon the Estuary Lands, in the Lines and according to the Levels shown on the deposited Plans and Sections, such Embankments, Walls, and other Works as they may consider necessary for embanking, warping, inclosing, reclaiming, and improving such Lands, or any Part thereof, from the Sea, and may enter upon, take, and use such of the said Lands as they consider to be necessary for that Purpose.

Power to execute Works.

35. The whole of the Estuary Lands shall be embanked and reclaimed within Fourteen Years from the passing of this Act, unless such Time shall be extended by Her Majesty in Council; and Notice in Writing of any Application to Her Majesty in Council for any such Extension of Time shall be served on the Board One Month at least before the hearing of such Application, and the Board shall be entitled to appear and be heard against or in support of such Application; and as regards such of the Estuary Lands as shall not have been embanked and reclaimed within the said Period of Fourteen Years, or within such extended Period (if any), then at the Expiration of such Period the Powers of this Act or the Acts incorporated therewith granted to the Company for embanking and reclaiming such last-mentioned Lands, or otherwise in relation thereto, shall, at the Expiration of such Period, cease to be exercised, and all Rights and Privileges by this Act granted to and conferred upon the Company with respect thereto shall cease and be wholly lost.

Period for Embankment and Reclamation of Lands.

36. Subject to the Provisions of this Act, the Company may alter and divert the Channels of all Creeks, Streams, Drains, or Outfalls the Waters whereof are now discharged into the Sea over or across the Estuary Lands, and may convey such Waters to the Sea by means of new Cuts, Channels, or Outfalls to be made across the reclaimed

Power to divert certain Creeks.

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reclaimed Lands, or otherwise may stop up any of such Channels, Creeks, or Streams crossing the reclaimed Lands.

Roads and Water-courses to be continued to the Sea.

37. The Company shall make, and at all Times maintain in efficient Repair, at their own Expense, all necessary and proper Works for conveying the Waters of and from any existing Drains, Sluices, or Culverts, without Obstruction, in, under, or through the reclaimed Lands, to the Sea, or into the before-mentioned Rivers, or some or one of them, so that a good and effectual Drainage may be afforded to the several Owners and Occupiers of Lands adjoining the Estuary Lands; and the Company shall make and maintain across any Lands which may be reclaimed by them between *Eastwick Head* and *Shelford Creek* a hard public Road not less than Twenty Feet wide from *Eastwick Head* to join the Road across the Lands to *Wakering Stairs*, and shall make and maintain such Roads over the reclaimed Lands as shall be necessary for the Prevention of any Inconvenience to the Public arising from Loss or Difficulty of Access to the Sea.

The Company to provide Landing Places for Owners of adjoining Lands, &c.

38. The Company shall give and afford to the Owners and Occupiers of the Lands adjoining the Estuary Lands, and to the Public, the Means of Access to the Sea at or near the Termination of such Roads, or in other convenient Places, for the landing or unloading of Goods of all Description, Lime, Chalk, Shells, Seaweed, or Manure upon or from Carts, Lighters, or Vessels, and shall mark out and designate such Landing Places by sufficient Marks; but nothing herein contained shall authorize the landing or loading of Goods, Wares, or Merchandise at any other Parts of the Embankments or Works of the Company than the Landing Places to be so afforded, or shall give or confer any Right to use and exercise any more extended Right of landing or loading than is or has been enjoyed at or previous to the passing of this Act.

Accommodation Works may be required by the Justices.

39. If any Difference shall arise between the Company and any Owner or Occupier as to the Sufficiency of the Access to the Sea afforded by the Company for the loading or unloading of Goods or other Things according to the Provisions herein-before contained, it shall be lawful for any Two Justices in Petty Sessions, at any Time within Twelve Months after the Inclosure or Reclamation of Land under the Provisions of this Act, and upon the Application of any such Owner or Occupier, after due Notice of the Intention to make such Application given to the Company, to order the Company to make other or more sufficient Roads, Drains, or Culverts, or to afford other and more convenient Places of Access to the Sea, as the Case may be, but so nevertheless that the Company shall in no Case be required to make any more or any wider Roads or Drains than the Roads or Drains now abutting on the Seashore within the Limits of this Act,

40. For

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40. For the better draining of the Lands adjoining or near to the Lands by this Act authorized to be reclaimed as aforesaid the Company may and are hereby authorized from Time to Time to enter upon any such adjoining or neighbouring Lands, and to open, dredge, cleanse, or deepen any Culvert, Sewer, Drain, or Watercourse passing in or through the same, and to connect any such Culvert, Sewer, Drain, or Watercourse with any similar Work proposed to be made by the Company in or through the reclaimed Lands, doing no unnecessary Damage.

Power to open and cleanse Drains in adjoining Lands.

41. And for making Provision with respect to the Commissioners of Sewers for the Level within the Limits of the Island and Parish of *Foulness* in the County of *Essex*, or in the Borders or Confines of the same, and with respect to the Commissioners of Sewers for the Levels within the Limits of the several Parishes of *Burnham*, *Southminster*, *Mayland*, *Althorne*, *Dengie*, *Saint Lawrence*, *Bradwell*, *Tillingham Steeple* (otherwise *Steeple*), with *Stansgate*, *Asheldham*, *Cricksea* (otherwise *Creeksea*), in the Hundred of *Dengie* and the County of *Essex*, or in the Borders or Confines of the same, the Company shall extend to the Sea, or to the Rivers *Crouch* or *Blackwater*, or one of them, in, upon, across, and over the reclaimed Lands, all public Drains and Sewers under the Jurisdiction of the said Commissioners of Sewers respectively, the Outfall whereof would be otherwise impeded by the Works of the Company, and shall make in, upon, over, and across such Lands, and with respect as well to the said several Commissioners of Sewers respectively, as also with respect to the Commissioners of Sewers for the Levels and Marsh Grounds lying and being within the Limits between *Rainham Bridge* and *Mucking Mills*, and the Marshes, Meadows, and oozy Grounds between *Childerditch Ponds* and *Purfleet Mills*, in the County of *Essex*, or in the Borders or Confines of the same, in, through, over, and across any Walls, Embankments, Dams, and other Works which may be executed by the Company under the Provisions of this Act, all such Sluices, Tunnels, Gutters, Floodgates, Culverts, and other Works, and of such Widths, Depths, Capacities, and Dimensions, as shall be necessary and proper for providing Outlets, and for discharging and carrying off into the Sea, without Obstruction or Hindrance, the Waters of and from such public Drains and Sewers and the proposed Extensions of the same, and so as to afford, as far as lies in the Company, at all Times a good, sufficient, and effective Drainage to the said Levels respectively, and the Lands and Premises situate within such Levels respectively, to the Satisfaction of the Commissioners of Sewers respectively for the said several Levels to which the same respectively shall adjoin or be contiguous, or for the draining of which the same respectively shall be made and constructed.

Public Sewers to be extended to the Sea and Extensions, &c., and to be made to the Satisfaction of Commissioners of Sewers, and to be maintained, &c., at Expense of Company.

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Prescribed
Mode of
constructing
Conduit
through
Lands under
Jurisdiction
of Commis-
sioners of
Sewers.

42. And whereas the said Main Conduit, the *Dengie* Conduit, and the *Foulness* Conduit respectively are respectively intended to be carried over the Levels and Lands within the Jurisdiction of the said several Commissioners of Sewers herein-before mentioned, or some Part or Parts of such Lands, and it is expedient to provide against Injury being occasioned thereby to the said Levels and Lands or to the adjoining Lands by the Obstruction of Flood and other Waters, or by Inundation from any Rivers or Streams crossed by the said Conduits respectively: Therefore, before proceeding with any of the Works hereby authorized which would obstruct any Ditch, Stream, Outlet, Sewer, Drain, or Watercourse, or lower any Bank, Wall, or Defence, or cross any low Grounds which are subject to flooding, the Company shall submit to the Commissioners of Sewers or their Officer Plans specifying the Manner in which such Works shall be made; and if within Thirty-one Days from the Transmission of such Plans to the said Commissioners or Officer they or he shall give Notice to the Company that such Plans are not satisfactory to the Commissioners, and shall specify the Alterations therein which the said Commissioners desire to be made, then the Engineer of the Company shall either adopt such Alterations, or the same shall be referred to an Arbitrator, to be appointed, on the Application of either Party, by the Board of Trade, and such Arbitrator shall settle all such Plans in such Manner as in his Judgment shall effectually protect the said Level against any Injury by the Execution of the said Works, and the Company shall construct their Works across the said Level in accordance with the Award of such Arbitrator; and the Company shall pay to the Commissioners all reasonable Expenses to which the Commissioners may be put in relation to the Examination of such Plans and Works, and in default thereof the same shall be recoverable from the Company by the said Commissioners in any Court of competent Jurisdiction.

Works when
made to be
under the
Jurisdiction
of the Com-
missioners.

43. All Sewers, Drains, Extensions of existing Drains, Watercourses, Arches, Walls, Banks, Sluices, Works, and Defences to be made and completed as aforesaid or at any Time hereafter by the Company, when so made and completed, shall be and remain for ever thereafter under the Jurisdiction and Control of the said Commissioners for the Districts or Levels in which the same shall be situated, or between which and the Sea they shall lie, or to which they shall respectively adjoin or be contiguous, to all Intents and Purposes.

Saving
Rights of
Commis-
sioners of
Sewers.

44. Except as herein expressly provided, nothing in this Act contained shall extend to or be deemed or construed to extend to prejudice, diminish, alter, abridge, or take away any of the Jurisdictions, Rights, Powers, or Authorities vested in the said Commissioners of Sewers respectively, but all the Jurisdictions, Rights, Powers, and Authorities vested in them respectively shall be as good, valid,

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valid, and effectual to all Intents and Purposes as if this Act had not been passed.

45. The reclaimed Lands shall to all Intents and Purposes be and remain for ever thereafter under the Jurisdiction and Control of the respective Commissioners of Sewers for the respective Levels between which and the Sea the same shall respectively lie and be situated, or to which they shall respectively adjoin or be contiguous, and the respective Commissioners of Sewers for such Levels respectively shall and may at all Times have and exercise all such Powers and Authorities, Jurisdiction, and Control of and over the reclaimed Lands, and the Walls and Defences belonging thereto, including all such Powers of making and levying Rates and Assessments over, upon, and in respect of such Lands, as they now have or exercise, or can or may or shall at any Time hereafter lawfully have or exercise, over, in, upon, or in respect of the Lands now comprised in such Levels respectively, and the Walls and Defences belonging thereto, in the same Manner to all Intents and Purposes as if the reclaimed Lands had from Time immemorial formed Part of such Levels respectively.

Reclaimed Lands to be under the Jurisdiction of Commissioners of Sewers.

46. Nothing in this Act contained, or that shall be done under the Provisions of the same, shall extend or shall be taken to extend to release or discharge any Person from any Liability to repair, maintain, scour, or cleanse, or to pay or contribute towards the Costs and Expenses of repairing, maintaining, scouring, or cleansing, any of the Walls, Delves, Gutters, Outfalls, Sluices, and other Works under the Jurisdiction and Control of the said Commissioners of Sewers for the said Levels respectively, or from any other Liability in respect or in regard of any Lands or Premises by such Person owned or occupied within the said Levels respectively and the Jurisdiction of the said Commissioners of Sewers respectively, or under the Laws relating to Sewers, to which such Person was before the passing of this Act subject, but every such Person shall be and remain subject to all the same Rates, Scots, Assessments, Duties, Burdens, Obligations, and Liabilities to which such Person would have been subject in respect or in regard of any Lands, Tenements, Hereditaments, or Premises by such Person owned or occupied within the said Levels respectively, and the Jurisdiction of the said Commissioners of Sewers respectively, or under the Laws relating to Sewers, as if this Act had not been passed; but no such Person shall, under the Powers of this Act, be subject to any other or greater Liability than he would have been subject to if this Act had not been passed.

Nothing herein contained, &c. to discharge Owners of Property from Liability.

47. The Chairman and Deputy Chairman for the Time being of the Company shall be *ex officio* Commissioners of Sewers for the said Levels respectively, and shall, while they respectively continue in Office, have the same Powers and Authorities as if they had been appointed such Commissioners under the Provisions of any of the Acts

Chairman and Deputy Chairman of Company for the Time being to be *ex officio*

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Commis-
sioners of
Sewers.

Acts of Parliament relating to Sewers; and it shall be lawful for such Chairman and Deputy Chairman respectively whilst they continue in Office, and they are hereby authorized and empowered during such Period, to act as Commissioners of Sewers for the said Levels respectively, without being qualified as by Law required with regard to Commissioners of Sewers in general, and without being required to take and subscribe, and without taking and subscribing, the Oath or Affirmation by Law prescribed to be taken and subscribed by Commissioners of Sewers in general with regard to their Qualification, and without being liable to the Penalty or Forfeiture by Law imposed upon Commissioners of Sewers in general for acting without being qualified as aforesaid; and as often as a new Chairman or Deputy Chairman shall be elected such new Chairman or Deputy Chairman shall, upon his Election to Office, become and, so long as he shall continue in the same, be *ex officio* a Commissioner of Sewers for the said Levels respectively, and as such shall be entitled to act in the same Manner and shall have the like Powers and Authorities as any former Chairman or Deputy Chairman whilst he continued in Office and was *ex officio* such Commissioner; and the Certificate of the Secretary of the Company shall be sufficient Proof of such Election.

Land when
reclaimed to
vest in the
Company in
Fee Simple.

48. In consideration of and as a Compensation for the Expenses which the Company will incur by reason of the Execution of the Works by this Act authorized, and in consideration of the Compensation to be paid by the Company to the Crown, and also to any other Persons entitled to any Estate or Interest in the Estuary Lands or any Part thereof, as contemplated by this Section, or by Agreement to be made by the Company before their Entry upon the same Lands, the Fee Simple and Inheritance of the Estuary Lands so to be embanked and reclaimed, and for which such Compensation shall have been paid, shall be and the same are hereby vested in the Company, subject to the Provisions of this Act; but as regards any Estuary Lands in which Her Majesty has any Estate or Interest, the same Lands shall not be vested in the Company until such Estate and Interest shall have been acquired by the Company from the Commissioner or Commissioners of Her Majesty's Woods, Forests, and Land Revenues having the Management of the Land Revenues of the Crown in the County of *Essex*; and any Person other than Her Majesty who shall be entitled to any Estate or Interest in, over, or out of the said Lands, or any Part thereof, by this Act vested in the Company, shall be entitled to Compensation under the Provisions of "The Lands Clauses Consolidation Act, 1845," in respect of Lands taken or injuriously affected.

For straight-
ening Boun-
daries.

49. The Company and the Owners for the Time being of any Lands adjoining the Estuary Lands may and are hereby authorized to agree as to the future Boundaries between such Lands respectively,
and

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and to effect such Exchanges of such Lands respectively in such Manner as to secure, so far as may be, an even Boundary Line between the same.

50. For the Protection of the *South Essex* Estuary and Reclamation Company, be it enacted as follows: The Powers of the *South Essex* Estuary and Reclamation Company for inclosing the Lands South and West of the River *Crouch* shall upon the passing of this Act cease and determine; and the Company shall, before entering on the said Lands, pay to the *South Essex* Estuary and Reclamation Company the Sum of Five thousand Pounds; but nothing in this Act contained shall affect the Powers of the *South Essex* Estuary and Reclamation Company for the Reclamation of *Ray Flats* or *Sands*, the *Dengie Flats*, and *Saint Peter's Sands*, (all which said Flats or Sands are hereafter described as the *Dengie Flats*,) and the *Mersey Island*, within the Period limited by their Act of Incorporation, or any such further Period not extending beyond the First Day of *August* One thousand eight hundred and sixty-nine as may be granted by Her Majesty in Council pursuant to the Provisions of the said Act or by Parliament: Provided that no Sea Bank parallel to the Coast to be made by the *South Essex* Estuary and Reclamation Company in the Execution of such Powers shall, unless with the Consent of the Company, be constructed on a Line showing a Depth of Water less than Seven Feet at High Water at ordinary Spring Tides on such Bank, as such Depth is shown on the Plans and Sections deposited as herein-before recited; provided further, that in the event of the *South Essex* Estuary and Reclamation Company not having laid out the Sum of Twenty thousand Pounds before the First Day of *August* One thousand eight hundred and sixty-seven, and the further Sum of Twenty thousand Pounds by the First Day of *August* One thousand eight hundred and sixty-eight, and not having completed the said Works of Reclamation by the First Day of *August* One thousand eight hundred and sixty-nine, all the Powers of the *South Essex* Estuary and Reclamation Company for the Reclamation of the said *Dengie Flats* shall cease; and before the Company shall enter upon the said *Dengie Flats* under the Powers of this Act, the Works which may have been partly executed or in progress and unfinished by the *South Essex* Estuary and Reclamation Company under the Powers aforesaid shall be taken by the Company at a Valuation thereof to be made by *John Fowler* Esquire, or, him failing, by *John Hawkshaw* Esquire, or, him failing, by *Thomas Elliott Harrison* Esquire, such Valuation being made with reference to the Value and Efficiency of such Works for completing the said Purposes of Reclamation; provided also, that at any Time before the Expiration of Six Months after the First Day of *August* One thousand eight hundred and sixty-nine the Company may

For Protection of the *South Essex* Estuary and Reclamation Company.

[Local.]

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purchase,

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purchase, and the *South Essex* Estuary and Reclamation Company shall sell, any Lands which may have been reclaimed or purchased by the *South Essex* Estuary and Reclamation Company from the said *Dengie Flats* as aforesaid, and which may be required by the Company for the Purposes of this Act, at a Valuation to be made by an Arbitrator to be agreed upon between the Parties, or, if they should differ thereon, to be appointed by the Board of Trade, on the Application of either Party.

Land to be considered Part of the County of Essex.

51. "The reclaimed Lands" shall be and be held to be locally situate in the County of *Essex*, and when and so soon as the said Lands, or any Part thereof, shall have been brought into Cultivation (but not sooner), the same shall be liable to be rated and taxed towards the Rates or Levies of the said County, and shall also be liable to be charged with and assessed to the Rate for Spiritual Aid to which the same Lands are herein-after directed to be subject.

Her Majesty in Council to constitute embanked Lands into Parishes.

52. It shall be lawful for Her Majesty in Council from Time to Time to constitute the reclaimed Lands, or any Part thereof, into new and distinct Parishes, and Plans showing the proposed Boundaries of such Parishes respectively shall from Time to Time be prepared, at the Expense of the Company, in such Manner as Her Majesty in Council shall direct, and the said Plans, when settled and approved of by Her Majesty in Council as aforesaid, shall be deposited with Her Majesty's Commissioners of Woods, Forests, and Land Revenues, and also with the Clerk of the Peace for the County of *Essex*, who shall file the same among the Records of the Eastern Division of the said County; and a Copy of any of the Plans so deposited, authenticated by the Signatures of Two of the said Commissioners, or of the said Clerk of the Peace, as the Case may be, shall be received as Evidence in all Courts of Law and elsewhere, without Production of the Original.

Power to provide Spiritual Aid, and a Site for a Church, if necessary.

53. And for providing for the Spiritual Wants of the Inhabitants who may hereafter reside upon the reclaimed Lands, be it enacted, That if at any Time or Times hereafter it shall appear to Her Majesty in Council, on the Representation of the Lord Bishop of the Diocese of which that Portion of the County of *Essex* may from Time to Time form Part, that a sufficient Population is resident on any Part of the said Lands to need Spiritual Aid, the Company shall and they are hereby required, upon the Order of Her Majesty in Council, to provide for each District a sufficient Site for a Church and Burial Ground upon Land belonging to them, not exceeding One Acre, and to make sufficient Provision for the proper Remuneration of any Minister or Ministers for that Purpose, so that the Sum charged or chargeable on the said Lands in respect of such Provision shall

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shall not in the aggregate exceed One Shilling and Sixpence *per* Acre in any Year, such annual Sum to be a fixed Charge upon the reclaimed Lands, and to be recoverable in the same Manner as a Rentcharge under the Tithe Commutation Acts, and the same shall be applied in such Manner for the Spiritual Aid of the Population resident on the same Lands as Her Majesty in Council shall direct; and it shall thereupon be lawful for the Lord Bishop of the said Diocese for the Time being to institute One or more duly ordained Minister or Ministers of the Church of *England*, not exceeding Five in Number, (to be nominated and appointed as herein-after directed,) in order to provide for such Spiritual Aid of the last-mentioned Portion of such Lands: Provided always, that the Right of Patronage and Nomination of such Ministers shall be vested in and may be exercised alternately by Her Majesty and Her Successors and the Lord Bishop of the Diocese, the First of such Nomination being in such Case made by Her Majesty or Her Successors.

54. The Company and the Owners for the Time being of any Lands which may be sold by them under the Provisions of this Act shall, at their own Expense, and in manner herein-after provided, maintain and keep in an efficient State of Repair, except as otherwise provided in this Act, all the Embankments, Walls, and Works which may from Time to Time be made by the Company for the Embankment and Reclamation of any such Lands, and which shall for the Time being be essential for protecting the same or any Part thereof, or any other Lands affected by such Works, from Inundation or Overflow, and shall also maintain and keep in efficient Repair, except as last aforesaid, all such Roads, Drains, Sluices, and Culverts as may be made by the Company under the Provisions of this Act in and from the reclaimed Lands under the Provisions herein-before contained, and all or any of the reclaimed Lands which may be sold by the Company shall be sold subject to such Liability as aforesaid.

Embankment, &c. to be maintained by Owner of reclaimed Lands.

55. In order to provide for the permanent Maintenance of the said Embankments, Walls, and Works of the said Works, and of the said Roads, Drains, and Culverts, in such State of Repair as aforesaid, the Directors for the Time being of the Company, and all the Owners of Fifty or more Acres of reclaimed Lands which may be sold by the Company, shall be Commissioners for that Purpose; and the Chairman for the Time being of the Directors, or the Chairman of the said Commissioners, or any Three of the said Commissioners, shall have Power at any Time to convene a Meeting of such Commissioners by Advertisement published at least for Two Weeks prior to such Meeting in some Newspaper circulating in the County of *Essex*, and any Five Commissioners who shall be present at such Meeting shall form a Quorum.

Commission to be appointed for maintaining Banks.

56. The

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Appoint-
ment of
Chairman.

56. The said Commissioners shall meet once at least in every Year, and at their First Meeting in each Year shall elect a Chairman, who shall remain in Office until another Chairman is elected in his Stead; Provided always, that it shall not be necessary for such Chairman to be present in order to constitute a Meeting of Commissioners.

Officers may
be appointed.

57. The said Commissioners shall have Power from Time to Time to appoint or remove any Officer or Officers for the Purpose of superintending the Embankments and other Works confined to their Care, and to pay to such Officer or Officers such reasonable Salary as they may see fit.

As to pro-
viding for
Payment of
Salaries, &c.

58. The Salary of such Officer or Officers, as well as all other Costs, Charges, and Expenses which may be incurred by the said Commissioners in carrying this Act into execution, shall be defrayed by means of a Rate to be assessed and levied upon and in respect of the Lands for the Time being reclaimed from the Sea under the Powers of this Act, and forming Part of the *South Essex* Estuary.

How Con-
tributions to
be assessed.

59. The Amount of such Rate shall and may from Time to Time be fixed and determined by the said Commissioners, and shall be assessed equally in respect of every Acre of Land so reclaimed from the Sea, and forming Part of the said *South Essex* Estuary, whether the same be in the Hands of the Company, or shall have been sold by them under the Powers of this Act.

For Re-
covery of
Assessment.

60. In case any such Rate shall not be paid within a Period of Twenty-one Days after the Day appointed by the Commissioners for Payment thereof, it shall be lawful for the said Commissioners to levy the Amount thereof by Distress and Sale of the Goods and Chattels of the Occupier of the Land subject to the Payment of such Rate, wheresoever the same may be found, and for such Purpose to enter upon the Lands and Premises of such Occupier, and to seize and take and to carry away and sell such Goods and Chattels, without being liable for any Action of Trespass or otherwise in respect thereof: Provided always, that, unless otherwise agreed between the Owner and Occupier of any such Lands, it shall be lawful for the Occupier thereof to deduct from the Rent payable by him to his Landlord the Amount which he may have paid, or in respect of which Distraint may have been made, for and towards such Rate as aforesaid: Provided also, that for the Purposes aforesaid the Company shall be considered the Occupier of any Lands liable to such Rate as aforesaid, and which shall not have been sold by them at the Time of making such Rate.

61. The

The Metropolis Sewage and Essex Reclamation Act, 1865.

61. The Company shall not construct any Works which, in the Opinion of the Board of Trade, would injure or obstruct the navigable Channels of the *East and West Swin*, the Channels leading to the Rivers *Crouch, Blackwater, and Colne*.

Company not to injure Channels of the East and West Swin, and Channels leading to Crouch, Blackwater, and Colne.

62. And whereas it is expedient to make due Provision for the effectual Security of the Navigation of the Channels of the *East and West Swin*, and the Channels leading to the Rivers *Crouch, Blackwater, and Colne*: Therefore if any Detriment or Injury shall at any Time or Times hereafter, in the Opinion of the Board of Trade, be found to result or be likely to result to the Navigation of the said Rivers and Channels, or any of them, by or in consequence of any of the Works hereby authorized to be executed, then and in such Case the Company shall, with all practical Despatch, either remove the Cause of such Injury at their own Expense, or shall make and execute such Works as the Board of Trade shall think necessary or proper to be executed to prevent such Injury, and the Costs and Charges incident to such last-mentioned Works shall be defrayed by the Company.

Protection of the Navigation of the East and West Swin and Channels leading to the Crouch, Blackwater, and Colne.

63. The Company may fertilize, irrigate, and cultivate the reclaimed Lands in such Manner as they may think fit, and may drain and otherwise improve the same, and may carry on upon the same all such Agricultural and other Farming Operations as they may think fit, including the breeding, rearing, and feeding of Cattle and Stock, and may erect thereon for this Purpose all such Farmhouses and Farm Buildings as they may think fit.

Power to Company to irrigate and cultivate the reclaimed Lands.

64. The Company may from Time to Time let any of the reclaimed Lands for such Terms and under such yearly or other Rents, and subject to such Provisions and Restrictions, as they may think fit, but as to any Lease for a Term exceeding Twenty-one Years in Possession, or for any Term not in Possession, only with the Approval of the Board.

Power to let the Lands.

65. The Company may from Time to Time, after any Lands shall have been embanked and reclaimed, mortgage the same to such Persons, for such Consideration, and upon such Terms and Conditions as they may, with the Approval of the Board, think fit; and all Sums raised by means of such Mortgages shall be included in the Amount to the Extent of One Third of the Capital which the Company are by this Act authorized to borrow on Mortgage of their Undertaking.

Power to mortgage.

66. The Company may from Time to Time, after any Lands shall have been embanked and reclaimed, sell or exchange any Parts of

Power to sell, &c.

[Local.]

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such

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such reclaimed Lands, with or without a Right to Sewage Irrigation during the Continuance of the aforesaid Grant for Fifty Years, in such Manner, to such Persons, upon such Terms and Conditions as they may, with the Approval of the Board, think fit.

Application
of Purchase
Money, &c.

67. All Money received by the Company by way of Fine or Premium on any such Letting, and all Money raised by the Company by any such Sale or Exchange, shall be applied in the first instance in paying off Mortgages of the Company; and the Powers of the Company under this Act to borrow Money on Mortgage shall be reduced by the Amount so paid off; and when such Powers shall become extinguished all Money so raised shall go in reduction of the Share Capital of the Company; and all Rents and other annual or periodical Income accruing to the Company from or under any such Letting shall be deemed Part of the Profits of the Company.

Protection of
Leases, &c.

68. No Person to whom the Company let, mortgage, sell, exchange, or dispose of, or from whom the Company purchase, lease, or rent, any Lands, shall be bound or entitled to inquire whether or not the Approval of the Board as aforesaid has been given.

Power to
construct
Conduits.

69. And for enabling the Company to convey all or Part of the Sewage of *London*, and to apply and use it for Fertilization and Irrigation, the Company may make and maintain the Conduits and Culverts herein-after mentioned, with all proper Works and Conveniences connected therewith respectively; (that is to say,)

A Conduit (in this Act called the *Main Conduit*) from the Northern Outfall Sewers of the Metropolitan Main Drainage in the Parish of *West Ham* in the County of *Essex* to a certain Field in the Parish of *Rawreth* in the same County abutting upon the River *Crouch*, and now or late in the Occupation of *Robert Brown* :

A Conduit (in this Act called the *Dengie Conduit*) from the Termination of the Main Conduit in the said Parish of *Rawreth* to near the *Tillingham* Coastguard Station in the Parish of *Dengie* in the County of *Essex* :

A Conduit (in this Act called the *Foulness Conduit*) from the Termination of the Main Conduit in the said Parish of *Rawreth* to, at, or near a Place called *Eastwick Head* in the Sea Wall of the *Foulness Sands* in the Parish of *Foulness* in the County of *Essex* :

A Conduit (in this Act called the *Woolwich Branch Conduit*) from the East Reservoir of the Metropolitan Main Drainage in the Parish of *Woolwich* in the County of *Kent* to the Main Conduit in the Parish of *Dagenham* in the County of *Essex*.

70. The

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- 70.** The Company shall construct the Main Conduit not less in Area than a circular Conduit of Nine Feet Six Inches in Diameter, with a Fall of not less than One Foot *per* Mile, and the *Dengie* and *Foulness* Conduits shall together be of sufficient Dimensions to carry away all Sewage capable of passing through such Area, and all the said Conduits shall be constructed of Brick or such other Material as may be agreed upon between the Company and the Board, and shall have proper Outfalls to the Sea. Dimensions of Conduits.
- 71.** The Company may, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, make and maintain the said Conduits in the Lines and upon the Lands delineated on the deposited Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and may enter upon, take, and use such of the said Lands as shall be necessary for such Purpose. Power to execute Works, take Lands, &c.
- 72.** The Powers conferred by this Act for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Seven Years from the passing of this Act. Powers for compulsory Purchases limited.
- 73.** The Company may from Time to Time, with the Approval of the Board, by Agreement, purchase or hold on Lease any Lands adjoining or near to any of the Conduits by this Act authorized for the Purpose of fertilizing and improving the same by Irrigation, and in like Manner any other Lands which they may require for the Purposes of this Act, and may from Time to Time, with the like Approval, sell, mortgage, or let any such Lands upon such Terms and Conditions as they think fit. Power to purchase, &c. Land by Agreement for certain Purposes.
- 74.** The Company from Time to Time may, by Agreement, purchase any Easement, Right, Power, or Privilege of constructing, maintaining, and from Time to Time of diverting, altering, reconstructing, enlarging, cleansing, or repairing any Conduit, Culvert, Pipe, Drain, Aqueduct, Watercourse, or other Work, or any Right of Way or other Right in, through, under, over, upon, or affecting any Lands which they may think requisite for any of the Purposes of this Act. Power to purchase Easements.
- 75.** The Persons by this Act empowered to sell and convey Lands shall have full Power to make to the Company Grants of any such Easements, Rights, Powers, or Privileges as aforesaid, and the Consideration for any such Grant may be either a Sum in gross or a perpetual annual Rentcharge, and the Company may secure any such Rentcharge by all usual and proper Powers of Distress or otherwise; and the Provisions of "The Lands Clauses Consolidation Acts Amendment Grants of Easements by incapacitated Persons.

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Amendment Act, 1860," with respect to the Sale of Lands in consideration of an annual Rentcharge, shall extend and be applicable in the Case of any such Grants in consideration of an annual Rentcharge under this Act, and the Amount of any such Rentcharge shall not be less than the best yearly Rent that can be reasonably had or gotten for such Right, Easement, Power, or Privilege.

Communica-
tions between
Metropolitan
Sewers and
Conduits of
Company.

76. All necessary Works for effecting a Communication between the Sewers or Reservoirs of the Board and the Main Conduit and the *Woolwich* Branch Conduit respectively shall be made and maintained by and at the Expense of the Company, but the Works to be executed for this Purpose, and the Mode of effecting such Communication, shall be such as shall be required or approved by the Engineer of the Board, and shall be executed to his Satisfaction in all respects, and in case of Difference thereon the same shall be determined, at the Cost of the Company, by some Engineer to be appointed by the Board of Trade, on the Application either of the Company or of the Board.

Conduits, &c.
to be con-
structed so
as not to
create a Nui-
sance.

77. The Company shall cause the Conduits and Works by this Act authorized to be constructed, covered, and kept so as not to be or to create a Nuisance, or to be injurious to Health.

Works for
Accommo-
dation of
Lands as
herein stated.

78. The Company shall make and at all Times thereafter maintain the following Works for the Accommodation of the Owners and Occupiers of Lands adjoining the Conduits and Works; that is to say,

Such and so many convenient Gates, Bridges, Arches, Culverts, and Passages over, under, or by the Sides of, or leading to or from, the Conduits and Works as shall be necessary for the Purpose of making good any Interruptions caused by the Conduits and Works to the Use of the Lands through which the Conduits and Works shall be made; and such Accommodation Works shall be made forthwith after the Part of the Conduits and Works passing over such Lands shall have been laid out or formed, or during the Formation thereof:

Also sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for separating the Land taken for the Use of the Conduits and Works from the adjoining Lands not taken, and for protecting such Lands from Trespass of the Cattle of the Owners or Occupiers thereof from straying thereout by reason of the Conduits and Works, together with all necessary Gates and all necessary Stiles; and such Posts, Rails, and other Fences shall be made forthwith after the taking of any such Lands, if the Owners thereof shall so require, and the said other Works as soon as conveniently may be;

Also

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Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Side of the Conduits and Works, of such Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near to or affected by the Conduits and Works as before the making of the Conduits and Works, or as nearly so as may be, and such Works shall be made from Time to Time as the Conduits and Works proceed :

Also proper Watering Places for Cattle where by reason of the Conduits and Works the Cattle of any Person occupying any Lands lying near thereto shall be deprived of Access to their former Watering Places ; and such Watering Places shall be so made as to be at all Times as sufficiently supplied with Water as theretofore, and as if the Conduits and Works had not been made, or as nearly so as may be ; and the Company shall make all necessary Watercourses and Drains for the Purpose of conveying Water to the said Watering Places :

Provided always, that the Company shall not be required to make such Accommodation Works in such a Manner as would prevent or obstruct the working or using the Conduits and Works, nor to make any Accommodation Works with respect to which the Owners and Occupiers of the Lands shall have agreed to receive and shall have been paid Compensation instead of making them.

Such Works not to obstruct the working of the Conduits and Works.

79. If any Difference arise respecting the Kind or Number of any such Accommodation Works, or the Dimensions or Sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by Two Justices, and such Justices shall also appoint the Time within which such Works shall be commenced and executed by the Company.

Differences as to Accommodation Works to be settled by Justices.

80. If for Fourteen Days next after the Time appointed by such Justices for the Commencement of any such Works the Company shall fail to commence such Works, or, having commenced, shall fail to proceed diligently to execute the same in a sufficient Manner, it shall be lawful for the Party aggrieved by such Failure himself to execute such Works or Repairs, and the reasonable Expenses thereof shall be repaid by the Company to the Party by whom the same shall so have been executed, and if there be any Dispute about such Expenses the same shall be settled by Two Justices: Provided always, that no such Owner or Occupier or other Person shall obstruct or injure the Conduits or Works, or any of the Works connected therewith, for a longer Time nor use them in any other Manner than is unavoidably necessary for the Execution or Repair of such Accommodation Works.

On Failure of Company Owners may execute such Works, at the Expense of the Company.

Disputes as to Expenses to be settled by Justices.

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Owners may make additional Accommodation Works at their own Expense.

81. If any of the Owners or Occupiers of Lands affected by such Conduits and Works shall consider the Accommodation Works made by the Company, or directed by such Justices to be made by the Company, insufficient for the commodious Use of their respective Lands, it shall be lawful for any such Owner or Occupier at any Time, at his own Expense, to make such further Works for that Purpose as he shall think necessary, and as shall be agreed to by the Company, or, in case of Difference, as shall be authorized by Two Justices.

Such Works to be constructed under the Superintendence of the Company's Engineer.

82. If the Company so desire, all such mentioned Accommodation Works shall be constructed under the Superintendence of their Engineer, and according to Plans and Specifications to be submitted to and approved by such Engineer; nevertheless the Company shall not be entitled to require either that Plans should be adopted which would involve a greater Expense than that incurred in the Execution of similar Works by the Company, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Company.

Accommodation Works not to be required after 5 Years.

83. The Company shall not be compelled to make any further or additional Accommodation Works for the Use of Owners and Occupiers of Land adjoining the Conduits and Works after Five Years from the Completion of the Works and the opening of the Conduits and Works.

Owners to be allowed to cross the Conduits and Works until Accommodation Works are made.

84. Until the Company shall have made the Bridges or other proper Communications which they shall, under the Provisions herein or in the Special Act or any Act incorporated therewith contained, have been required to make between Lands intersected by the Conduits and Works, and no longer, the Owners and Occupiers of such Lands, and any other Persons whose Right of Way shall be affected by the Want of such Communication, and their respective Servants, may at all Times freely pass and repass with Carriages, Horses, and other Animals directly (but not otherwise) across the Part of the Conduits and Works made in or through their respective Lands solely for the Purpose of occupying the same Lands, or for the Exercise of such Right of Way, and so as not to obstruct the Passage along the Conduits and Works or to damage the same: Nevertheless, if the Owner or Occupier of any such Lands have, in his Arrangements with the Company, received or agreed to receive Compensation for or on account of such Communications, instead of the same being formed, such Owner or Occupier, or those claiming under him, shall not be entitled so to cross the Conduits and Works.

Proviso.

85. During

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85. During the making of the Works authorized by this Act abutting on or projecting into *Barking Creek* the Company shall hang out or exhibit thereat or near thereto, and for ever after the Completion of the Works, if any of them abut on or project into *Barking Creek*, the Company shall hang out or exhibit next the *Barking Creek*, every Night from Sunset to Sunrise Lights to be kept burning by and at the Expense of the Company, and proper and sufficient for the Navigation and safe Guidance of Vessels, and the Lights shall from Time to Time be altered by the Company in such Manner and be of such Kind and Number, and be so placed and used, as the Conservators of the River *Thames* by Writing under the Hand of their Secretary shall approve, and in case the Company fail so to exhibit and keep burning the Lights they shall for every such Offence forfeit Ten Pounds.

Lights to be exhibited.

86. If any Work so constructed by the Company in the *Barking Creek*, or if any Portion of any Work to be made by the Company which affects or may affect the *Barking Creek* or the Access thereto, be abandoned, or suffered to fall into Disuse or Decay, the Board of Trade or the Conservators of the River *Thames* may abate and remove the same, or such Part thereof as they think fit, and restore the Site thereof to its former Condition, at the Cost of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, or the said Conservators, as the Case may be, and be recoverable accordingly as such, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

In case Works abandoned.

87. All Works abutting on or projecting into the *Barking Creek* shall be made according to Plans and Elevations and on a Site to be approved by the Conservators of the River *Thames*, and deposited at their Office, and the Works thereof in the *Barking Creek* and adjoining thereto shall be executed to the Satisfaction of the Engineer of the Conservators, and the Traffic of the River shall not be interrupted more than is absolutely necessary in the making of the Works, and the Plans for Cofferdams, if any, and all other preliminary Works, shall be approved by the Conservators before the same shall be carried into execution.

Consent of Conservators of Thames to certain Works.

88. Nothing in this Act contained shall authorize the Company to embank, encroach upon, or interfere with any Part of the Soil or Bed of the *Barking Creek* or the Shore thereof, except according to the Plan approved by the Conservators of the River *Thames* under the Provisions of the last Section.

Restrictions as to Encroachments on Bed of River.

89. Except as herein expressly provided, nothing in this Act contained shall extend to or be construed to extend to prejudice or derogate

Saving Rights of Conservators.

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derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Marsh Lane, West Ham, to be crossed according to Plan signed by Chairman.

90. The Main Conduit by this Act authorized to be made shall, where it crosses *Marsh Lane* in the Parish of *West Ham*, be constructed in the Line or Course delineated on the Plan marked No. 1. at the Point A., signed by *Thomas Emerson Headlam*, Member of Parliament, Chairman of the Committee of the House of Commons to which this Act was referred; and such Plan shall, within Seven Days after the passing of this Act, be deposited with the Clerk of the Peace for the County of *Essex*, who is hereby required to receive and keep the same as if the same had been deposited under the Standing Orders of either House of Parliament, and subject to the like Provisions; and the present Level of the said *Marsh Lane* shall not be in any way altered, and the said Conduit shall pass over the same so as to leave a clear Headway of not less than Sixteen Feet, and a clear Width of the Roadway of not less than Thirty Feet.

Sewer to Eastward of Marsh Lane to be reconstructed.

91. The Sewers lying to the Eastward of that Part of *Marsh Lane* where the Main Conduit crosses the same shall be reconstructed, and the Trench shall be opened the entire Width of the proposed Embankment, and filled with Concrete, which shall also be carried up to the Invert of the said Conduit, and a relieving Arch shall be built under the said Conduit, if required; and if in the Construction of the said Conduit any of the Manholes of the said Sewer shall be in any Manner interfered with by the Company's Works, they shall be replaced by similar and equally good Means of Inspection, cleansing, and Repair, which shall be constructed by the Company at the Points indicated on the said Plan No. 1. at a Point B., at the Costs, Charges, and Expenses of the Company, in manner as herein-after provided.

Plaistow Lane, West Ham, to be reconstructed.

92. The Road known as *Plaistow Lane*, *West Ham*, where the same crosses the *London, Tilbury, and Southend* Railway, and the Line of the proposed Main Conduit, shall be reconstructed of the same Width and in as good a Manner as at present, and with Slopes or Approaches having on the North Side of the Railway Inclinations not steeper than One in Forty, as indicated upon the said Plan No. 1. at a Point marked C., at the Costs, Charges, and Expenses of the Company, in manner as herein-after provided.

Old Plaistow Lane, West Ham, to be diverted.

93. *Old Plaistow Lane*, *West Ham*, shall, where the same is crossed by the Line of the said Main Conduit, be diverted in the Line or Course delineated on the said Plan No. 1. at a Point marked D., and

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and shall be reconstructed in as good a Manner and of the same Width as at present, at the Costs, Charges, and Expenses of the Company, in manner as herein-after provided:

94. Wheresoever the said Main Conduit shall cross or interfere with any of the Sewers or Branch Sewers of the *West Ham* Local Board of Health in *Old Plaistow Lane, Grafton Road*, and the cross Streets leading therefrom, which are shown and delineated on the said Plan No. 1. between the Points D. and E., the said Sewers shall be reconstructed and left by the Company in as safe and efficient Condition as the same now are, and all Manholes therein shall, wheresoever the same shall be in any Manner interfered with by the Company's Works, be replaced by similar and equally good Means of Inspection, cleansing, and Repair, which shall be constructed by the Company in manner as herein-after provided.

Sewers in
Old Plaistow
Lane and
Grafton
Road, West
Ham, to be
recon-
structed.

95. The *Pelly Road, West Ham*, where the same crosses the *London, Tilbury, and Southend* Railway, and the Line of the proposed Main Conduit, shall be reconstructed of the same Width and in as good a Manner as at present, and with Approaches or Slopes having an Inclination not steeper than One in Forty, as indicated upon the said Plan No. 1. at a Point marked F., at the Cost, Charges, and Expenses of the Company, in manner as herein-after provided.

Pelly Road,
West Ham,
to be recon-
structed.

96. Where any of the intended Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of, or so as in any Manner whatsoever to interfere with, any Sewer, Drain, Watercourse, Defence, or Work under the Jurisdiction or Control of the *West Ham* Local Board of Health, or with any Sewers, Drains, Watercourses, Defences, or Works to be hereafter made or executed by the said Board, by virtue of any Powers either now or hereafter vested in the said Board, or shall or may in any way affect the Sewerage or Drainage of the District under their Control, the Company shall not commence such Work until they shall have given Fourteen Days previous Notice in Writing of their Intention to commence the same, by leaving such Notice at the Office of the Board for the Time being, with a Plan and Section showing the Course and Inclination thereof, and all other necessary Particulars relating thereto, and shall execute every such Work under the Superintendence and to the reasonable Satisfaction of the Surveyor of the Board, and shall provide by proper Works for the Protection of and for preventing all Injury to the Sewers and Property of the Board, and shall indemnify the Board against all Expense in respect of such Works or occasioned thereby, and the same shall be forthwith recoverable by the said Board by Action or otherwise; and when any Sewers or Works altered or substituted as aforesaid for Sewers or any Works of the *West Ham*

For Protec-
tion of Sew-
ers and
Works of
West Ham
Local Board.

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Board, or any Works added thereto, shall be completed, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Board as any Sewers or Works now are or hereafter may be; and nothing in this Act shall prejudice or diminish the Rights of the Board, except in so far as herein-before expressly provided: Provided always, that in the event of any Dispute arising between the Engineer of the Company and the Surveyor or other authorized Officer of the said *West Ham* Local Board as to the Construction of the said Works, the same shall be referred to an Arbitrator agreed on between the Parties, or, in case of Disagreement, to an Engineer to be appointed by the Board of Trade, whose Decision shall be final; and such Arbitrator or Engineer shall direct by whom the Costs of and incident to any such Inquiry shall be paid, and such Costs shall be recoverable by Action or otherwise.

For Payment
of Local
Rates.

97. If and so long as the Company shall be possessed of any Lands or Hereditaments within the District of the *West Ham* Local Board of Health assessed or liable to be assessed to any Poor Rate, Highway Rate, Church Rate, General or other District Rate, or any other Local, Parochial, or Municipal Rate, they shall from Time to Time be liable to be assessed at an Amount not less than the Amount at which such Lands and Hereditaments with any Buildings thereon were assessed or liable to be assessed prior to the taking thereof by the Company, and, on Demand, the Company shall pay the Amount of such Assessments to the Collectors of such Rates respectively.

Company not
to interfere
with any
Part of the
Soil or Bed
of the River
Crouch, or
the Fisheries
of Sir H. B.
P. Saint John
Mildmay,
Baronet.

98. And whereas Sir *Henry Bouverie Paulet Saint John Mildmay* is or claims to be the Owner of extensive Oyster Fisheries or Laynes in the River *Crouch*: Be it enacted, That nothing in this Act contained shall authorize or empower the Company to embank, encroach upon, or interfere with any Part of the Soil or Bed of the said River or the Shores thereof otherwise than is by this Act by Reference to the said deposited Plans specially authorized, nor shall anything herein contained be construed or allowed to alter, lessen, weaken, defeat, abridge, or destroy the Claim for or Right to Compensation of the said Sir *Henry Bouverie Paulet Saint John Mildmay*, or the Person or Persons who for the Time being shall be the Owner or Owners of the said Fisheries or Laynes of the said River *Crouch*, or the Lessee or Lessees or the Occupier or Occupiers thereof, upon or against the Company, under the general Provisions for Compensation contained in this or "The Lands Clauses Consolidation Act, 1845," for or in respect of any Damage, Spoil, or Injury which the Company may do or occasion to the said Fisheries, or to all or any of the Oyster Laynes therein, or to the Oysters or Oyster Brood therein, but the said Sir *Henry Bouverie Paulet Saint John Mildmay*, and the
Person

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Person or Persons aforesaid, shall have and enjoy the said Fisheries or Laynes, and all such Right, Title, and Interest to and in the same, as they heretofore had and enjoyed, as fully, freely, and effectually, to all Intents and Purposes whatsoever, as if this Act had not been passed.

99. In constructing the Works by this Act authorized through the Property of Sir *Henry Bouverie Paulet Saint John Mildmay* it shall not be lawful for the Company to alter the Roads to a steeper Gradient than One Foot in Thirty Feet.

As to Roads through Property of Sir H. Mildmay.

100. The said Conduits shall be completed within Ten Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act or the Acts incorporated herewith granted to the Company shall cease to be exercised, except as to so much of the said Conduits as shall then be executed.

Limit of Period for Construction.

101. The Company may convey, apply, and use the Sewage to and for the Irrigation and Fertilization of such of the reclaimed Lands as shall for the Time being be in their Occupation, and may also, under any Agreement with such Persons, and upon such Terms and Conditions as may be agreed upon, convey and apply the same to and upon any Parts of the reclaimed Lands which may have been leased, sold, or disposed of by the Company, and may be in the Possession of any other Persons, and may construct, execute, and lay down all the necessary Works and Apparatus for supplying such Sewage, and for the Irrigation of any such Lands by means thereof.

Power to Company to use Sewage for Irrigation of reclaimed Lands.

102. Subject to the Provisions of this Act, the Company from Time to Time may use and appropriate Sewage for the Irrigation and Fertilization of any Lands belonging or let to them, and may, under any Agreement with the Owners or Occupiers of any Lands, supply to such Owners and Occupiers respectively Sewage for the Irrigation and Fertilization of such Lands, provided that the Sewage shall not be applied to the Irrigation of any Land within Two Miles of the Metropolis, as defined by "The Metropolis Management Act, 1855."

Power to use and supply Sewage for irrigating Lands near the Conduits.

103. For the Purpose of drawing off or supplying Sewage for the Irrigation of Lands under this Act the Company may, subject to the Provisions of this Act, make all necessary Openings in their Conduits, and construct, execute, lay down, and maintain, and from Time to Time renew, improve, cleanse, and repair, all such Works and Apparatus as may be necessary or proper in, through, under, over, or upon any Lands belonging or let to the Company, or where the Company have a Right or Easement, or in, through, under, over, or upon any other Lands, with the Consent of the Owners, Lessees, and

Power to execute Works for Irrigation Purposes.

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and Occupiers thereof, and also all such Culverts, Pipes, or covered Drains under any public Road or Highway as they may find to be necessary.

Certain Powers to be exercised by the Company in reference to Roads, &c.

104. For the Purpose of making all such Sewers and Works, and such Diversions or Alterations of any existing Sewers or Works, as by this Act authorized, or repairing or maintaining the same, the Company shall, subject to the Provisions of this Act, have full Power and Authority to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out or intended for a Street, or through or under any Lands within the Limits of Deviation, making Compensation for any Damage done thereby, the Amount of such Compensation, when the Amount claimed does not exceed Fifty Pounds, to be settled by Two Justices in manner provided by "The Lands Clauses Consolidation Act, 1845," and when the Amount claimed exceeds Fifty Pounds then by Arbitration in manner provided by the same Act.

Notice to be served before breaking up public Roads.

105. Before any public Road shall be opened or broken up by the Company they shall give to the Persons under whose Control or Management such Road may be, or their Clerk or Surveyor, Notice in Writing of their Intention to open or break up the same Three Days at least before the Commencement of such Operation.

Roads to be broken up under Superintendence.

106. Every such Road shall be opened or broken up under the Superintendence of the Persons so having the Control or Management of the same as aforesaid, or their Officer, and according to such Plan, as to the Depth, Course, or Direction of Culvert, Pipe, or Drain, as shall be submitted by the Company to and shall be agreed upon between such Person or their Officer and the Company or their Servants, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by an Engineer to be appointed by the Board of Trade; and such Engineer shall determine the Plan according to which such Road shall be opened or broken up; provided that Three Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served by the Company on the Person having the Control or Management of the Road proposed to be broken up.

Roads broken up to be reinstated without Delay.

107. When the Surface or Soil of any public Road shall be opened or broken up by the Company, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Surface or Soil so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Surface or Soil shall be so opened or broken up to be fenced and guarded, and set up
and

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and maintain upon or against the Part of the said Surface or Soil so broken up or opened a sufficient Light during every Night during which such Surface or Soil shall be continued open or broken up.

108. If the Company shall fail to give such Notice of Intention to break up any public Road as herein-before required, or shall break up any such Road without having given such Notice, or before such Plan has been agreed upon or determined, as herein-before provided, or contrary in any respect to such Plan, or shall make any Delay in completing any such Work, or in filling in the Ground, or making good the Surface so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Surface shall have been broken up, they shall forfeit a Sum of not exceeding Five Pounds for every such Offence, and a further Sum not exceeding Five Pounds for each Day during which such Delay shall continue.

Penalty for Delay in reinstating Roads.

109. If any such Delay as aforesaid shall take place, the Persons having the Control or Management of the public Road in respect of which such Delay shall take place may cause the Matter or Thing so delayed to be done, and the Expense of doing the same, together with the Costs of recovering such Expense, may be recovered from the Company by Action or otherwise, and the Money so recovered shall be applied by the Persons having the Control and Management of the Road for the Purposes of the same.

In case of Delay other Parties may reinstate, and recover the Expenses.

110. Nothing in this Act shall exonerate the Company from any Indictment, Action, or other Proceeding for Nuisance or Damages in the event of any Nuisance being caused by them in conveying or disposing of the Sewage or Refuse from Sewers, or in any other Manner, or of any Damage occurring from the Want of Repair of any of the Works of the Company.

Nothing in Act to exempt Company from proceeding for Nuisance, &c.

111. It shall be lawful for One of Her Majesty's Principal Secretaries of State, at his Discretion, on Representation or Complaint made to him of any Nuisance committed in the Execution of any Works, or in deodorising any Sewage, or in disposing of any Sewage or Refuse from Sewers, or in conveying or in any other Manner under this Act, to cause Inquiry to be made into the Matter represented or complained of to him, and to direct such Prosecution or Prosecutions, or to take such other Proceedings against the Company or Parties committing the same as he may think fit, in order to ensure the Prevention or Abatement of such Nuisance as aforesaid

On Complaint of Nuisance committed in Execution of Works, Secretary of State may order Prosecution.

112. It shall be lawful for any Two or more Justices of the Peace acting within the County of *Essex*, on the Application and at the

Special Constables.

[Local.]

18 Z

Expense

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Expense of the Company, to appoint such Persons as they may think fit to be Special Constables within the Limits of this Act, and such Constables when appointed shall have and may exercise all such and the same Powers within the said Limits as other Constables appointed within the County of *Essex* may lawfully exercise within the Districts for which they are appointed: Provided always, that any such Constables shall be suspended or removed from their Office on the Requisition of the Company.

Penalty on
Persons ob-
structing
Works.

113. If any Person shall throw or wilfully place any Ballast, Rubbish, or other Materials in or upon any Part of the Works authorized by this Act, or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Matter or Thing to obstruct the free Passage of or to injure or damage any Conduit, Watercourse, Drain, Culvert, Road, Way, or other Work by this Act authorized or required to be made and maintained, or injure or damage any of the Embankments, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, in addition to any actual Damage which may be thereby sustained by the Company.

Power for
Company and
South Essex
Estuary and
Reclamation
Company to
make Agree-
ments.

114. And whereas by "The *South Essex* Estuary and Reclamation Act, 1852," the *South Essex* Estuary and Reclamation Company were incorporated, and authorized to execute certain Works for the Reclamation of Lands, consisting in part of Lands proposed to be relained by the Company, and the Powers of the said Act have been partially exercised: Be it therefore enacted, That the Company and the *South Essex* Estuary and Reclamation Company may, with the Approval of the Board, enter into such Agreements as they think fit in reference to the Undertaking of the last-mentioned Company, including the Transfer thereof or of any Part thereof to the Company, or the Exercise and Enjoyment by the Company of any of the Powers, Rights, or Privileges of the *South Essex* Estuary and Reclamation Company.

Confirmation
of Agreement
with Messrs.
Napier and
Hope, and
Transfer of
their Rights
to the Com-
pany.

115. The Agreement herein-before recited between the Metropolitan Board of Works and Messieurs *Napier* and *Hope*, and which bears Date the Twenty-fourth Day of *February* One thousand eight hundred and sixty-five, (a Copy of which is inserted in the Schedule C. to this Act,) is hereby confirmed and ratified, except so far as the Provisions thereof may be varied by this Act, and the same, with all the Benefits of the Sewage thereby granted, and all other Rights, Privileges, Benefits, and Emoluments conferred thereby or in any way resulting or to accrue therefrom, is hereby transferred to the Company; and all the Obligations and Engagements undertaken by such Agreement, or consequent upon carrying the same into effect,

are

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are also hereby transferred from the said Messieurs *Napier* and *Hope* to the Company, so as to substitute the Company in all respects for the said Messieurs *Napier* and *Hope*; and the Company shall, in respect to and in consideration of the Transfer of the said Contract so hereby made, enter into a Contract with the said Messieurs *Napier* and *Hope*, upon such Terms and Conditions, as well with respect to the Consideration for such Transfer as for indemnifying the said Messieurs *Napier* and *Hope*, and in all other respects, as may be agreed upon between the said Company and the said Messieurs *Napier* and *Hope*, or, in default of Agreement, as shall be settled and determined by *Samuel Laing* Esquire, or, him failing, by some Person nominated, upon the Request of either of the Parties, by the Board of Trade, and the Company thereupon may and shall carry into effect such Contract, and be subject to all the Obligations incident thereto; and the Consideration, whether agreed or settled by Reference as above mentioned, may be either a Sum in gross, or a fixed or fluctuating annual Payment, or a Per-centage upon the divisible Profit, or partly in one and partly in any or either of those Ways, and the Referee shall have Power to and, if required, shall determine in which of those Ways the Consideration is to be made, and the Company may apply a sufficient Part of their Capital or Revenue (as the Case may be) for that Purpose.

116. Article 15 of the said Agreement scheduled to this Act is hereby annulled; and if the Main Culverts are not completed in the Manner defined in Article 8 of the said Agreement within the Time prescribed in that Behalf by this Act, then, notwithstanding anything in the said Agreement or in this Act, the Concession made by the said Agreement shall at the Expiration of that Time absolutely cease and determine; and Article 25 of the said Agreement scheduled to this Act is altered by extending the Power of the Board to inspect the Vouchers to the Books of Account therein mentioned.

Provision for
Event of
Non-com-
pletion of
Conduits.

117. Any Owner, Lessee, or Occupier of Land capable of borrowing Money for Improvements in or affecting Land from any Company empowered by Law to advance Money to such Owner, Lessee, or Occupier for such Purposes may borrow from any such Company, upon any Terms and Conditions (consistent with the Terms and Conditions upon which the Company lending is authorized to advance Money), for all or any of the following Purposes; (that is to say,) the Construction in, through, or upon the Land of such Owner, Lessee, or Occupier of any Culverts, Pipes, Drains, Water-courses, Branches, or other Works from or in connexion with the Works of the Company, or for the Erection of any Pumping Machinery or Apparatus, or for furnishing any other Appliances for the Distribution of Sewage.

Powers for
Landowners
as to borrow-
ing Money
from Lands
Improvement
Companies
for certain
Purposes.

118. There

The Metropolis Sewage and Essex Reclamation Act, 1865.

Auditors.

118. There shall be Two Auditors of the Company, and during the Subsistence of the said Grant for Fifty Years One of them shall be appointed by the Board, and he shall not be a Shareholder of or be otherwise pecuniarily interested in the Undertaking of the Company, and shall hold his Office during the Pleasure of the Board, and shall have and perform all the Rights, Powers, and Duties belonging to an Auditor appointed by the Company, and shall receive from the Company the like Remuneration as the Auditor appointed by the Company.

Application of Board's Share of Profits.

119. The Money from Time to Time paid to or recovered by the Board in respect of any Profits payable to the Board under the said Agreement shall belong to the Board for the Benefit of the Rate-payers of the Metropolis, and shall be held by the Board absolutely discharged from all Claims or Demands whatever, at Law or in Equity, of the Company, or any of the Creditors of or Purchasers from the Company, or any other Person claiming in any Manner through, under, or against the Company.

Indemnity by Company to Board.

120. The Company shall save harmless and keep indemnified the Board against all Actions and Suits at Law or in Equity, and all Costs, Damages, and pecuniary Penalties, if any such be, notwithstanding this Act, in fact instituted, brought, taken, or claimed against the Board by reason or in respect of any of the Works, Acts, Omissions, Neglects, or Defaults of the Company, or of any of the Company's Contractors, Agents, Servants, or Workmen, or of any of the Consequences of any of the Company's Operations, or otherwise in relation to the Undertaking of the Company.

Arbitration.

121. Except as in this Act otherwise specially provided, all Matters by this Act provided to be settled by Arbitration as between the Company and the Board, and all Questions or Disputes arising between the Company and the Board touching the Intent, Construction, or Effect of this Act, or touching any of the Incidents or Consequences of or the Exercise of any Power under this Act, and in the event of any Consent or Approval required by this Act being withheld the Question whether such Consent or Approval shall or shall not be given, and all Questions touching any Breach or alleged Breach of any Provision of this Act, or touching any Claim or Demand in anywise arising out of this Act, shall by virtue of this Act stand referred to Arbitration under and according to the "Railway Companies Arbitration Act, 1859," as if the Board and the Company were Two Railway Companies, and as if an express Agreement for Reference thereof had been made in accordance with that Act.

122. The

The Metropolis Sewage and Essex Reclamation Act, 1865.

122. The Company shall not be deemed to be Contractors with or Agents for or Servants or Lessees of or Partners with the Board, nor shall the Board be liable, individually or collectively, to any Action, Suit, or Proceeding at Law or in Equity, or to any Judgment or Decree in any Action or Suit, or to any Writ or Process by way of Execution or otherwise against Person or Property, or to any Criminal Proceeding, or Proceeding of a Criminal Nature at Common Law, or under the recited Acts or any of them, or otherwise by reason or on account of any Act, Omission, Neglect, or Default of the Company, their Agents, Contractors, Servants, or Workmen; nor shall the Ratepayers of the Metropolis, or any Money raised by means or on the Security of Rates levied on the Metropolis, be liable to satisfy or answer the Damages or Losses consequent on any such Act, Omission, Neglect, or Default as aforesaid.

Protection of Board.

123. Except as in this Act expressly provided, nothing in this Act shall take away, diminish, or prejudicially affect any of the Estates, Rights, Powers, or Authorities for the Time being belonging to the Board.

General Saving for Board.

124. The Company shall have the Power, with the Consent of the said *William Napier* and *William Hope*, or at any Time after the Company shall have received a Transfer of the said Grant to the said *William Napier* and *William Hope*, then without such Consent, either for the Modification of the said Grant or with respect to any Objects not comprised in such Grant, to make and enter into from Time to Time with the Board, and the Board may from Time to Time accordingly make and enter into with the Company, such Contracts and Agreements for the Interception from the River *Thames*, and the removing and carrying away by the Company, by means of the Conduits hereby authorized or otherwise, of all or any Part of the Sewage collected by the Sewers of the Board from that Part of the Metropolis on the Northern Bank of the River *Thames*; and any such Contract or Agreement may be made for such Term of Years, and either with or without any Money or other Consideration, and upon such Conditions, as may be agreed on between the Company and the Board, and the Company and the Board may from Time to Time rescind, alter, modify, or vary any such Contract or Agreement; but no such Contract or Agreement shall be entered into, rescinded, altered, modified, or varied, except with the Approval of the Shareholders of the Company present at an Extraordinary General Meeting specially convened for the Purpose.

Power for Company and Board of Works to enter into Contracts as to Sewage.

125. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments,

Saving Rights of the Crown.

The Metropolis Sewage and Essex Reclamation Act, 1865.

or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and as incidental to any such Consent as aforesaid the Company may enter into any Agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the Approval of the Commissioners of Her Majesty's Treasury, join in every such Agreement; and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, with the like Approval, and the Company, may respectively execute all necessary Conveyances, Leases, Licences, or other Deeds of or relating to any Land, Hereditaments, or Rights belonging to Her Majesty in right of Her Crown; and every Agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively; and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving of
Rights as to
future Ac-
cretions.

126. If any Land to the Seaward of the Lands by this Act authorized to be embanked or reclaimed shall at any Time, after the Execution of any Works under the Authority of this Act, become raised in Height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above instead of being, as all Land to the Seaward of the Lands by this Act authorized to be reclaimed now is, below the Line of ordinary High-water Mark, the Company shall not, by virtue of the Ownership of any Lands which they are by this Act empowered to reclaim, have any Estate, Right, or Interest in or to the Lands so raised in Height or reclaimed by reason that such raising or Reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the Works by this Act authorized or otherwise, but the Right and Title to the Soil and Freehold of such Land, when so raised or reclaimed, shall continue vested in the Queen's Majesty, or such other Corporation or Person or Persons as is or are at the Time of the passing of this Act entitled to the same, and as if the same had continued as the same now is subject to the Flow and Reflow of ordinary Tides.

Expenses of
Act.

127. The Costs of and incident to the applying for and obtaining this Act shall be paid by the Company.

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The Metropolis Sewage and Essex Reclamation Act, 1865.

SCHEDULE (A.)

FORM OF GRANT OF RENTCHARGE.

Grant of Rentcharge, No. Pounds.

By virtue of an Act passed, &c., intituled "An Act," &c., we, the Metropolis Sewage and Essex Reclamation Company, in consideration of the Sum of _____ paid to us by _____ of _____ for the Purposes of the said Act, do grant unto the said _____ a Rentcharge, Annuity, or yearly Sum of _____ to commence on the _____ Day of _____ 18 _____ to be issuing out of _____ under the said Act, to be paid to the said _____ his Heirs and Assigns for ever, or during the Term of _____ Years, upon the _____ Day of _____ and the _____ Day of _____ in every Year (subject to Redemption by the said Company. [*Here set out the Terms of Redemption*]).

The First Payment thereof to be made on the _____ Day of _____ next ensuing the Date hereof.

Given under our Common Seal, this _____ Day of _____ in the Year 18 _____

SCHEDULE (B.)

FORM OF TRANSFER OF RENTCHARGE OR ANNUITY.

I _____ of _____ in consideration of the Sum of _____ paid to me by _____ of _____ do hereby transfer to the said _____ his Heirs and Assigns, a certain Grant of Rentcharge on _____ under the Metropolis Sewage and Essex Reclamation Act, 1865, Number _____ (*as the Case may be*), made by the Metropolis Sewage and Essex Reclamation Company to _____ bearing Date the _____ Day of _____ for granting a Rentcharge of _____ [*or, if such Transfer be by Endorsement, the within Security*], and all my Right, Estate, and Interest in and to the Rentcharge thereby granted.

In witness whereof I have hereunto set my Hand and Seal, this _____ Day of _____ 18 _____

The Metropolis Sewage and Essex Reclamation Act, 1865.

SCHEDULE (C.)

The METROPOLITAN BOARD OF WORKS and Messrs. NAPIER AND HOPE.

ARTICLES OF AGREEMENT made the Twenty-fourth Day of February One thousand eight hundred and sixty-five between the Metropolitan Board of Works (hereafter in this Agreement called "the Board") of the one Part, and the Honourable William Napier of No. 2, Old Palace Yard in the City of Westminster, and William Hope of Park Lane in the County of Middlesex, of the Order of the Victoria Cross, (hereafter in this Agreement called Messrs. Napier and Hope,) of the other Part.

Whereas by "The Metropolis Management Act, 1855," it was (Section 135) enacted (among other things) that the Board should make such Sewers and Works as they might think necessary for preventing all or any Part of the Sewage within the Metropolis from flowing or passing into the River Thames in or near the Metropolis, and that all Sewers and Works made by the Board should vest in them, and that the Board should cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be repaired, cleared, cleansed, and emptied, and for the Purposes of clearing, cleansing, and emptying the same they might construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as might be necessary, and might cause the Sewage and Refuse from such Sewers to be sold or disposed of as they might see fit, but so as not to create a Nuisance: And whereas by "The Metropolis Management Amendment Act, 1858," after reciting that it was necessary, with a view to the Health of the Metropolis, that Works should be speedily undertaken and completed for the Purification of the River Thames, and for the Improvement of the Drainage of the Metropolis, and that for that Purpose it was expedient that "The Metropolis Management Act, 1855," should be amended, it was enacted (among other things) to the Effect following:

1. That the Board should cause to be commenced, as soon as might be after the passing of that Act, and to be carried on and completed with all convenient Speed, and according to such Plan as to them might seem proper, the necessary Sewers and Works for the Improvement of the Main Drainage of the Metropolis, and for preventing as far as might be practicable the Sewage of the Metropolis from passing into the River Thames within the Metropolis:
2. That the Board should cause all Works to be executed under that Act to be constructed and kept so as not to be a Nuisance, and should, in disposing of any Sewage or any Refuse from Sewers, act in such Manner as not to create a Nuisance:

3. That

The Metropolis Sewage and Essex Reclamation Act, 1865.

3. That it should be lawful for One of Her Majesty's Principal Secretaries of State at his Discretion, on Representation or Complaint made to him of any Nuisance committed in the Execution of any Works, or in disposing of any Sewage or Refuse from Sewers, or in any other Manner under that Act, to cause Inquiry to be made into the Matter represented or complained of to him, and to direct such Prosecution or Prosecutions or to take such other Proceedings as he might think fit in order to ensure the Prevention or Abatement of such Nuisance as aforesaid :

And whereas the Board have proceeded in the Execution of Sewers and Works for the Improvement of the Main Drainage of the Metropolis, as directed by the said Acts : And whereas, for the Purposes of the Main Drainage of the Northern Area of the Metropolis, the Board have constructed, among other Works, Main Outfall Sewers for carrying the Sewage of the Northern Area down to Barking Creek in the River Thames : And whereas the Board, with a view to the better Execution of the Powers and Duties conferred and imposed on them by the said Acts, advertised for Tenders or Proposals to be made to them by Persons desirous of contracting for deodorising or otherwise treating the Sewage conveyed by the Main Outfall Sewers of the Metropolis, so as to render the same innocuous, or for removing or disposing of such Sewage with a view to its Application to agricultural or other Purposes : And whereas, in consequence of the Advertisement aforesaid, Messieurs Napier and Hope made a Tender or Proposal to the Board for a Contract to be entered into by them for treating the Sewage conveyed by the Northern Main Outfall Sewers as follows ; that is to say, for collecting and transmitting the same for Fertilization of Lands lying to the East of the Metropolis, and for conveying the Surplus thereof into the Sea near to the Foulness and Dengie Sands in the County of Essex, a Distance of upwards of Forty Miles from the Limits of the Metropolis : And whereas it appeared to the Board that the Objects of the Works proposed by Messieurs Napier and Hope were—

- (1.) To divert the Sewage from the Thames :
- (2.) To render it innocuous by its Application to growing Crops :
- (3.) To realize the greatest Money Value of the Manure contained in it :

And whereas the prospective ordinary Dry-weather Discharge from the Northern Main Outfall Sewers is estimated at a Maximum of Twelve million Cubic Feet in Twenty-four Hours : And whereas it is estimated that a circular Culvert, Nine Feet Six Inches in Diameter, would be capable of taking the said ordinary Dry-weather Discharge at the said Maximum : And whereas the Expenses of and connected with the Works comprised in the said Tender or Proposal are estimated at Two million one hundred thousand Pounds : And whereas Messieurs Napier and Hope have made Application for an Act to be passed in the Session of Parliament One thousand eight hundred and sixty-five, and have deposited a Bill for such Act, whereby it is proposed to be enacted (amongst other things) that a Company be incorporated, with a Share Capital of Two million one hundred thousand Pounds, with a Power of Diminution and of Increase (so that the Capital never be increased so as to exceed in the whole Three million Pounds), and that the Company be empowered to embank, warp, and reclaim the Waste Lands in the Bill referred to, and that the Lands reclaimed be vested absolutely in the Company, subject to the Provisions of the Act, and that the Company be empowered to fertilize,

[*Local.*]

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irrigate,

The Metropolis Sewage and Essex Reclamation Act, 1865.

irrigate, and cultivate the reclaimed Lands in such Manner as they think fit, and to drain and otherwise improve the same, and to carry on upon the same Agricultural and other Farming Operations, and to let any of the reclaimed Lands, or to mortgage, sell, exchange, or dispose of any Parts thereof, and that the Company be empowered to make and maintain a Conduit from the Board's Northern Main Outfall Sewers of not less in Area than a circular Conduit of not less than Nine Feet Six Inches in Diameter, and to effect a Communication between the Sluices or Reservoirs of the Board and that Conduit, and to convey, apply, and use the Sewage to and for the Irrigation of the reclaimed Lands and of Lands on each Side of the Conduit, and to construct, execute, and lay down all necessary Works and Apparatus for the Irrigation of those Lands: And whereas the Board are willing, subject to the Sanction of Parliament, to dispose of the Sewage of the Northern Area of the Metropolis collected in their Northern Main Outfall Sewers to Messieurs Napier and Hope, or a Company to be incorporated as is proposed by the said Bill, regarded as the Assigns of Messieurs Napier and Hope: Now therefore by this present Agreement the Board for themselves and their Successors, and Messieurs Napier and Hope for themselves jointly and severally, and their and each of their Heirs, Executors, Administrators, and Assigns, mutually agree as follows:

ARTICLE 1.

The Board hereby grant to Messieurs Napier and Hope and their legal Representatives, subject to such Sanction as aforesaid, the absolute and exclusive Right to and Property in the Sewage of the Northern Area of the Metropolis collected in the Board's Northern Main Outfall Sewers, including the Sewage Deposit and Residuum in the Board's Reservoirs, to have and use the same for a Period of Fifty Years, to be computed from the Expiration of Four Years after the passing of the Act herein-after contemplated, on the Terms hereafter in this Agreement stipulated (to which Grant for Fifty Years the Expression "the Concession," when herein-after used in this Agreement, refers, and the Term "the Concessionaries," when hereafter used in this Agreement, means the said Messieurs Napier and Hope and their legal Representatives, or the Company to be incorporated as aforesaid, as the Case may require).

ARTICLE 2.

Messieurs Napier and Hope shall in the Session of One thousand eight hundred and sixty-five use their best Endeavours to obtain an Act of Parliament ratifying the Concession, and incorporating a Company to take an Assignment thereof.

ARTICLE 3.

The Rate of Interest to be paid by the Concessionaries on any Money borrowed by them shall not exceed the Rate of Five per Centum per Annum, except with the Consent in each Instance of the Board.

ARTICLE 4.

Within Six Calendar Months after passing of an Act as aforesaid the Concessionaries shall deposit the Sum of Twenty-five thousand Pounds with the Board as a Guarantee for the due Execution of the Works to be executed, the Interest accruing thereon to be the Property of the Depositors or their Assigns.

ARTICLE

The Metropolis Sewage and Essex Reclamation Act, 1865.

ARTICLE 5.

The Sewage shall be delivered at a Point in the Northern Main Outfall Sewers near Abbey Mills shown on the Map appended to this Agreement, or at such other Point in those Sewers as may be agreed on by the Board and the Concessionaries, at a Level not lower than Six Feet above Trinity High-water Mark, or at such other Level as may be agreed upon.

ARTICLE 6.

The Sewage shall be delivered in the State in which it is when collected in the Board's Northern Main Outfall Sewers.

ARTICLE 7.

Notwithstanding anything in this Agreement, the Concessionaries shall not be liable on account of their Use of the Sewage Deposit and Residuum contained in the Board's Reservoirs for any ordinary Repairs to such Reservoirs, or to indemnify the Board against any Consequences resulting from the Construction or Maintenance of those Reservoirs, except in so far as such Consequences may be occasioned by the Act or Default of the Concessionaries in the Use of the Reservoirs as aforesaid.

ARTICLE 8.

The Concessionaries shall construct a circular Brick Culvert of not less than Nine Feet Six Inches in Diameter, with a Fall of not less than One Foot per Mile, to convey the Sewage from the Point at which it is delivered along the Line shown in Red on the Map appended to this Agreement to Rawreth in the County of Essex, and thence by a Culvert to the Foulness Sands, and, at the Option of the Concessionaries, by another Culvert to the Dengie Sands, in the Line or Lines shown in Red on such Map; and the said Foulness Culvert (if alone constructed), or the said Foulness and Dengie Culverts together (if both are constructed), shall be of sufficient Dimensions to carry away all Sewage capable of passing through the first-described Culvert of Nine Feet Six Inches in Diameter, with proper Outfalls to the Sea (to which Culverts so constructed, and of the Dimensions aforesaid, the Expression "the Main Culverts," when hereafter used in this Agreement, refers).

ARTICLE 9.

On the Completion of the Main Culverts the Board shall return to the Depositors or their Assigns the said Sum of Twenty-five thousand Pounds.

ARTICLE 10.

Every Communication between the Works of the Concessionaries and the Board's Sewers, Reservoirs, and other Works shall be made and maintained by and at the Expense of the Concessionaries; but the Mode of effecting such Communication shall be subject to the previous Approval of the Board's Engineer, and the Works for that Purpose shall be executed in all respects under the Superintendance and to the Satisfaction of the Board's Engineer, and not without at least Fourteen Days Notice to the Board of the Intention to proceed to make the same.

ARTICLE

The Metropolis Sewage and Essex Reclamation Act, 1865.

ARTICLE 11.

Every Communication so effected shall be from Time to Time altered by the Concessionaries on a Requisition in Writing from the Board under the Superintendence and to the Satisfaction of the Board's Engineer, and in case the Concessionaries fail for One Calendar Month after Receipt by them of such Requisition to make such Alteration to the Satisfaction of the Board's Engineer, the Board may make the same; and for the Purpose of making any such Alteration the Board may enter on the Property and Works of the Concessionaries, and do all such Acts and Things thereupon and therewith, and in relation thereto, as they think necessary or proper in the Exercise of the Powers of the present Article, doing as little Damage as may be; and the Question whether or not the Board shall make any, and, if any, what Compensation to the Concessionaries for any such Damage, shall be determined by Arbitration; and, unless in any Case it is otherwise determined by Arbitration, the Expense of any such Alteration shall be borne by the Board, and where the Alteration is made by the Concessionaries shall be paid to them by the Board, on Demand.

ARTICLE 12.

In case of any Difference between the Concessionaries and the Board respecting the making or Alteration of any such Communication, the same shall be determined by an Engineer appointed by the Board of Trade on the Application of the Concessionaries or of the Board.

ARTICLE 13.

The Concessionaries shall be bound to take at all Times and in all Weathers during the Subsistence of the Concession so much of the Sewage collected in the Board's Northern Main Outfall Sewers as a Culvert of the Dimensions aforesaid is capable of allowing to pass, but so as they be not bound to take a Quantity exceeding Twelve million Cubic Feet in Twenty-four Hours.

ARTICLE 14.

In case the Concessionaries fail to complete the Main Culverts within Four Years from the passing of an Act authorizing the making of the same, the said Sum of Twenty-five thousand Pounds shall be absolutely forfeited to and become the Property of the Board.

ARTICLE 15.

If the Main Culverts are not completed within the Period to be prescribed on that Behalf by Act of Parliament, Her Majesty's Principal Secretary of State for the Home Department shall determine and certify whether or not the Concession, with all its Rights and Privileges, ought (regard being had to such Noncompletion) to be forfeited, and if so, at what Time and on what Terms, with respect to the Purchase or not by the Board of the Works, Property, and Undertaking of the Concessionaries, such Forfeiture should take effect; and the Determination and Certificate of the Secretary of State shall be final and binding on the Board and the Concessionaries.

ARTICLE

The Metropolis Sewage and Essex Reclamation Act, 1865.

ARTICLE 16.

The Concessionaries shall have the Right to use and the Property in so much of the Sewage collected in the Board's Northern Main Outfall Sewers as can be received and utilized by the Concessionaries during the Four Years immediately after the passing of an Act as aforesaid.

ARTICLE 17.

The Concessionaries may make in their Main Culverts such Openings as will allow of the Construction of lateral subsidiary Channels for the Irrigation with the Sewage of Lands on both or either of the Sides of the Main Culverts.

ARTICLE 18.

In supplying Sewage for the Irrigation of Lands on both or either of the Sides of the Main Culverts the Concessionaries shall supply only such Quantities of Sewage as, according to the Nature of the Soil and of the Crop to which it is to be applied, can be absorbed, so as to prevent any Discharge of noxious Matter into the Wells, Ponds, Springs, Rivers, and Watercourses of the District lying on both or either of the Sides of the Main Culverts.

ARTICLE 19.

The Concessionaries shall construct on the Foulness otherwise Maplin Sands an Embankment as indicated in Red on the Map appended to this Agreement, calculated to reclaim Seven thousand Acres of the present Fore-shore, and will, if and as it may be found advantageous and practicable, from Time to Time make further Reclamations, and shall from Time to Time construct in the Embankment such Valves and Sluices communicating with the Sea as may be necessary for the Purpose of Drainage, and shall from Time to Time construct such Agricultural Works and Buildings as may be requisite for the Cultivation of the Lands reclaimed by means of the Operations aforesaid (to which Lands the Term "the reclaimed Lands," when hereafter used in this Agreement, refers).

ARTICLE 20.

The Concessionaries may sell any Part of the reclaimed Lands, so that the Proceeds of such Sales be applied in Reduction of Share or borrowed Capital, such Sales being first submitted for the Approval of the Board.

ARTICLE 21.

The Concessionaries shall, during the Subsistence of the Concession, in all respects well and sufficiently maintain the Main Culverts and Embankment by this Agreement stipulated for, and all Works of a permanent Nature constructed by them in connexion with the Main Culverts for Distribution of Sewage, and shall leave the same in good and serviceable Order at the End of the Concession, or at the sooner Determination of their Interest in the Sewage.

ARTICLE 22.

On giving to the Concessionaries not less than Five Years Notice in Writing under the Hand of the Clerk of the Board for the Time being, the Board shall have the Right to take over at the End of the Concession the whole of

[*Local.*]

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The Metropolis Sewage and Essex Reclamation Act, 1865.

the Works and Land of the Concessionaries at a fair Valuation by Arbitration, the Arbitrator to make his Award on the Principle that the Board have Power at the End of the Concession to withdraw the Sewage, and to dispose of it to other Parties for Distribution over Areas of Land distinct and separate from that belonging to the Company, or to deal with it in such Manner as they think fit, and as if the Concession had never been made.

ARTICLE 23.

The Board shall have Power at all Times to visit and inspect by themselves and their Officers the Works of the Undertaking as well during their Progress as after their Completion.

ARTICLE 24.

After Deduction of the annual Charge for Money borrowed and Rent-charges (if any) granted by the Concessionaries in accordance with this Agreement, and of their working and Establishment Expenses, the net Profit of the Concessionaries shall be applied and divided as follows:

The net Profits sufficient to pay Interest not exceeding the Rate of Five per Centum per Annum on the Share Capital for the Time being shall belong to the Concessionaries :

The net Profits, after Payment of such Interest at the Rate of Five per Centum until they would be sufficient to pay, in addition to such Interest, on the Average of the Year, a Sum at the Rate of Ten per Centum on the Share Capital aforesaid, shall be divided equally between the Concessionaries and the Board :

The net Profits, after Payment of such Interest at the Rate of Five per Centum until they would be sufficient to pay, in addition to such Interest, on the Average of the Year, a Sum at the Rate of Twenty per Centum on the Share Capital aforesaid, shall, as to so much as exceeds Ten per Centum but does not exceed Twenty per Centum, be divided between the Concessionaries and the Board in the Proportion of One Fourth to the Concessionaries and the Residue to the Board :

Any further net Profits shall be divided equally between the Concessionaries and the Board.

The present Article shall have Effect from and immediately after the Expiration of Four Years from the passing of an Act as aforesaid.

ARTICLE 25.

The Concessionaries shall at all Times during the Subsistence of the Concession keep proper Accounts relative to the Share and borrowed Capital and the Expenditure thereof, and to all Receipts and Outgoings in respect of their Property, Works, and Undertaking, and during the Subsistence of the Concession; and for Two Years after the Expiration or sooner Determination thereof the Board shall have Power at all reasonable Times, by themselves and their Officers and Clerks, and any Accountants or other Persons whom they may choose to employ for this Purpose, to inspect and examine all the Books of Account of the Concessionaries, and to make such Copies thereof or Extracts therefrom as they think fit, without Payment.

ARTICLE 26.

The Accounts of the Concessionaries shall be made up half-yearly to the Thirtieth Day of June and the Thirty-first Day of December in each Year.

ARTICLE

The Metropolis Sewage and Essex Reclamation Act, 1865.

ARTICLE 27.

The Proportion of net Profits payable to the Board under the Stipulations of this Agreement shall be payable by half-yearly Payments without any Deduction except in respect of Income Tax, and the Amount of such Proportion for each Half Year shall be deemed a Debt due to the Board, payable forthwith, without any Demand.

ARTICLE 28.

On giving to the Concessionaries not less than Two Years Notice in Writing under the Hand of the Clerk of the Board for the Time being before the Termination [of the first Thirty Years of the full Term of the Concession, the Board shall have the Right, on the Termination of those Thirty Years, to require a Revision by Arbitration of the Stipulations of this Agreement with respect to the Apportionment of Profits.

ARTICLE 29.

The Money from Time to Time paid to or recovered by the Board in respect of net Profits shall belong to the Board for the Benefit of the Rate-payers of the Metropolis, absolutely discharged from all Claims and Demands whatsoever of the Concessionaries, or of any of the Creditors of or Purchasers from the Concessionaries, or any other Persons claiming in any Manner through, under, or against the Concessionaries.

ARTICLE 30.

The Board, or any Member thereof, shall not be liable as Partners or a Partner with the Concessionaries by reason of any Payment to or for the Benefit of the Board out of the Profits of the Undertaking, or by reason of any other Matter stipulated for in this Agreement.

ARTICLE 31.

If at any Time during the Subsistence of the Concession the Company to be incorporated as aforesaid is wound up under the Provisions of any Act then in force, the Concession shall thereupon absolutely cease to operate (without Prejudice, nevertheless, to any Claim, Demand, Power, Right, or Remedy of the Board as against the Company); and the Power of the Board to sell or dispose of the Sewage as they think fit shall thereupon revive and be and remain in full Force.

ARTICLE 32.

Nothing in this Agreement shall preclude the Concessionaries and the Board from agreeing from Time to Time on such Terms as to them may seem fit for any such further Expenditure for the Purposes of this Agreement, or any of them, or for any like Purposes, as may appear to them likely to be profitable and to be beneficial to the Metropolis.

ARTICLE 33.

The Concessionaries shall save harmless and keep indemnified the Board from and against all Actions and Suits at Law or in Equity, and all Costs, Damages, and pecuniary Penalties, if any such be instituted, brought, taken, or claimed against the Board by reason or in respect of any of the Works, Acts, Omissions, Neglects, or Defaults of the Concessionaries, or of any of their Contractors, Agents, Servants, or Workmen, or by reason or in respect of any of the Consequences of any of the Operations of the Concessionaries, or otherwise in relation to the Undertaking.

ARTICLE

The Metropolis Sewage and Essex Reclamation Act, 1865.

ARTICLE 34.

Except as in this Agreement otherwise specially provided, all Matters by this Agreement provided to be settled by Arbitration, and all Questions or Disputes arising between the Concessionaries and the Board touching the Intent, Construction, or Effect of this Agreement, or touching any of the Incidents or Consequences of or the Exercise of any Power, or the granting of any Consent, or the giving of any Approval under this Agreement, or touching any Breach or alleged Breach of any Provision of this Agreement, or touching any Claim or Demand in anywise arising out of this Agreement, shall by virtue of this Agreement stand referred to Arbitration under and according to the "Railway Companies Arbitration Act, 1859," as if the Board and the Concessionaries were Two Railway Companies, and this Agreement shall be deemed a Reference thereof in accordance with that Act.

ARTICLE 35.

If at any Time during the Subsistence of the Concession Her Majesty's Principal Secretary of State for the Home Department, on the Application of the Board or of the Concessionaries, is of opinion and certifies that the Operations of the Concessionaries have failed to accomplish the public Objects and Benefits contemplated by this Agreement, then the Board or the Concessionaries shall be at liberty to make Application to Parliament for the Revision of the Concession and of the Provisions of any Act as aforesaid.

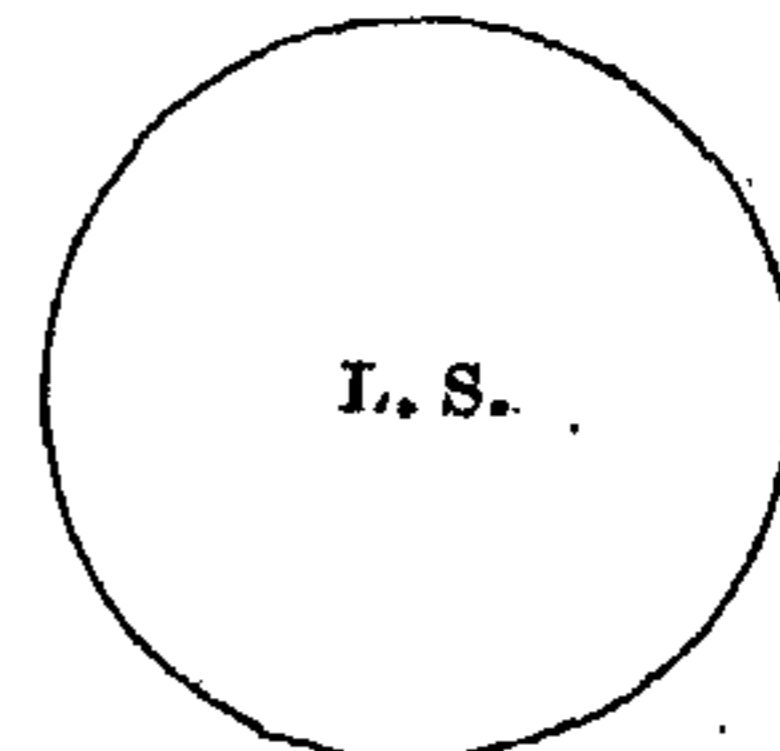
In witness whereof the said Metropolitan Board of Works have hereunto affixed their Common Seal, and the said William Napier and William Hope have hereunto set their Hands and Seals, the Day and Year first before written.

Sealed by Order of the Board,
JOHN POLLARD,
Clerk of the Board.



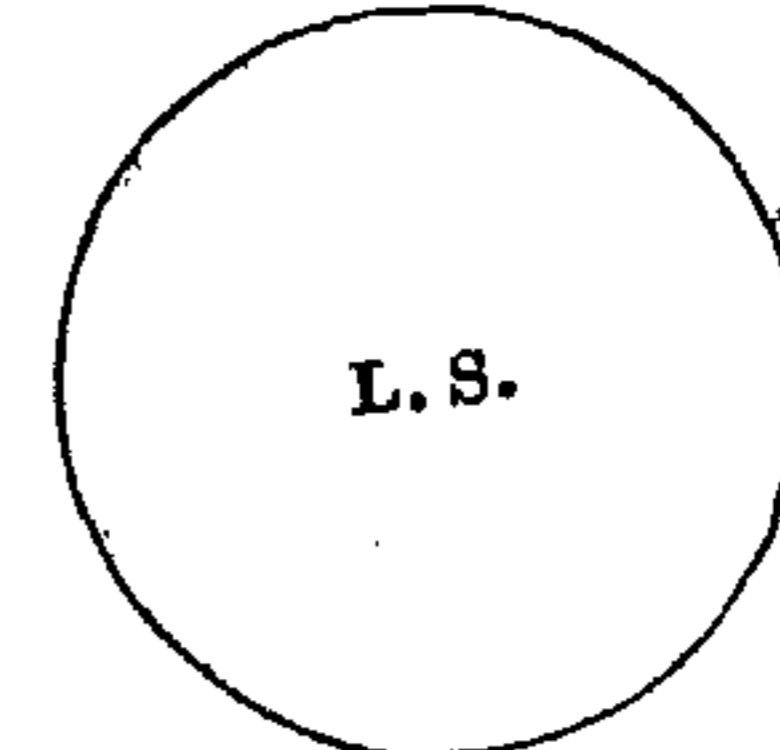
Signed, sealed, and delivered by
the within-named William Napier
and William Hope in the Presence
of

WILLIAM NAPIER.



JOHN POLLARD,
Clerk of the Board.

W. HOPE.



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