



ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cii.

An Act for the better sewerage of the City of *Norwich*, and the applying of the Sewage to the Irrigation of Land, and for the making of the *Trowse Road*, and for other Purposes; and of which the Short Title is “*City of Norwich Act, 1867.*” [20th June 1867.]

WHEREAS the Mayor, Aldermen, and Citizens of the City of *Norwich* are by their Council the Local Board of Health for the Corporate District of the City of *Norwich* and County of the same City, and in their Capacity of a Municipal Corporation they are in this Act called “the Corporation,” and in their Capacity of a Local Board of Health they are in this Act called “the Board:” And whereas the District of the City of *Norwich* and County of the same City (in this Act called *Norwich*) is insufficiently sewerage, and the Sewage is discharged from the Sewers into the River *Wensum*, which flows through *Norwich* and below *Norwich* into the River *Yare*: And whereas the High Court of Chancery has granted an Injunction against the Board, directing that on or before the First Day of *November* One thousand eight hundred and sixty-seven the whole of the Sewage shall be diverted from the River *Wensum*: And

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whereas

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whereas the Board are desirous, and for the Health of *Norwich* and other Considerations it is expedient, that the Board be authorized to make and maintain a proper and sufficient System for the Sewerage of *Norwich*, and for the Application of the Sewage to the Irrigation of Lands, and in order thereto to acquire Lands in the Neighbourhood of *Norwich*, and to make and maintain Sewerage and Irrigation Works: And whereas there is at a Distance of about Three Miles from the Centre of *Norwich* a Tract of Land containing between Twelve hundred and Thirteen hundred Acres of Land, situate in *Witlingham* and *Kirby Bedon St. Andrew* and *Kirby Bedon St. Mary* all in the County of *Norfolk*, and in this Act called "the *Crown Point Estate*," which is considered to be well adapted for Irrigation by Sewage, and the Board have entered into the Agreement for a Lease thereof which is set forth in the Schedule to this Act annexed, and both of the Parties to the Agreement are desirous and it is expedient that the Agreement be confirmed by this Act: And whereas it is expedient that the Board be authorized to contract for the Irrigation and Cultivation of the *Crown Point Estate*, or, if they find it more expedient so to do, to irrigate and cultivate it themselves: And whereas it is expedient that the Board be authorized to make and maintain the new *Trowse Road* by this Act authorized: And whereas that Road will cross the Railway of the *Great Eastern Railway Company*, and the Company are willing and it is expedient that they be authorized to contribute towards the Expense of making the Road: And whereas on the Occasion of Additions to and Improvements of the Parish Church of *St. Giles Norwich* being recently made, a Strip of Land, Part of the Churchyard of that Parish Church, was, at the Request of the Churchwardens and Parishioners of the Parish, and with the Assent of the Bishop of the Diocese and the Incumbent of the Parish Church, thrown into *St. Giles Street*, and thereby, and without the Removal or Disturbance of any Coffin or any Human Remains, a great public Improvement was effected: And whereas a Question has been raised whether that Improvement was lawfully effected, and it is expedient that all Questions as to the Legality thereof be obviated: And whereas by the *Great Yarmouth Port and Haven Act, 1866*, (in this Act called the *Port and Haven Act*,) the *Great Yarmouth Port and Haven Commissioners* (in this Act called the *Commissioners*) have Authority (Sections 65 and 66) for weighing and removing Vessels, or destroying and removing the Remains of Vessels sunk in the Rivers *Yare* and *Wensum*, and for removing Nuisances, Impediments, and Obstructions in, adjoining, or near to the Rivers, and (Section 95) for making Byelaws for the Regulation of the Navigation on the Rivers: And whereas the Jurisdiction of the Corporation over the Rivers *Wensum* and *Yare* extends from the New Mills in *Norwich* to *Hardley Cross*, about Eighteen Miles down the River *Yare*: And whereas it is expedient that the Corporation

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ration be authorized to make and enforce Byelaws for regulating the Navigation, and removing Obstructions and preventing Nuisances in so much of the Rivers as lies within their Jurisdiction, so as those Byelaws be not repugnant to or inconsistent with any Byelaws which the Commissioners make for like Purposes: And whereas it is expedient that the Corporation be authorized to make and enforce Byelaws with respect to Fishing and the Preservation of Fish in such Parts of the Rivers as are within their Jurisdiction: And whereas there are in *Norwich* divers Waste Lands and a Common called *Mousehold Heath*, which, with great Advantage to the Inhabitants of *Norwich*, might be appropriated and used for Purposes of public Recreation, and it is expedient that Provision be made for the Purpose: And whereas it is expedient that the Board be authorized to raise Monies for Purposes of this Act: And whereas it is expedient that other Provisions for the Improvement of *Norwich* be made: And whereas Plans and Sections showing the Lines and Levels of the Sewerage Works by this Act authorized, the Plans showing also the Lands to be taken compulsorily for Purposes of this Act, and Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the respective Clerks of the Peace for the City of *Norwich* and County of the same City and for the County of *Norfolk*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained 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:

1. This Act may for all Purposes be cited as "*City of Norwich Act, 1867.*" Short Title.
2. "*The Lands Clauses Consolidation Act, 1845,*" and "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" are (except where expressly varied by this Act) incorporated with and are Part of this Act. 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.
3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; and the Expression "*Superior Courts,*" or "*Court of competent Jurisdiction,*" or any other like Expression in this Act or any Act incorporated with this Act, shall for the Purposes of this Act be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt Interpretation of Terms.

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a Debt or Demand created by Statute; and the Words and Expressions following have the Meanings following; that is to say,

- (a.) "*Norwich*" means the City of *Norwich* and County of the same City:
- (b.) "The Corporation" means the Mayor, Aldermen, and Citizens of *Norwich* in their Capacity of the Municipal Corporation of *Norwich*:
- (c.) "The Board" means the Mayor, Aldermen, and Citizens of *Norwich* or their Council in their Capacity of the Local Board of Health for the Corporate District of *Norwich*:
- (d.) "The Commissioners" means the *Great Yarmouth* Port and Haven Commissioners:
- (e.) "The *Crown Point* Estate" means the Tract of Land containing about Twelve hundred or Thirteen hundred Acres of Land which the Board are by this Act authorized to take on Lease:
- (f.) "The Public Health Acts" means and includes "The Public Health Act, 1848," and "The Local Government Act, 1858," and all Acts amending or extending those Acts respectively, and from Time to Time in force in *Norwich*, and applicable to the Board.

Execution of Act by Corporation.

4. So far as this Act is to be carried into execution by the Corporation, it shall be carried into execution by the Corporation in accordance with such of the Powers and Provisions from Time to Time in force in *Norwich* of the several Statutes, whether General or Local, and Laws, which from Time to Time apply to the Municipal Corporation of *Norwich*, as are applicable for Purposes of this Act.

Execution of Act by Board.

5. So far as this Act is to be carried into execution by the Board, it shall be carried into execution by the Board in accordance with such of the Powers and Provisions from Time to Time in force in *Norwich* of the several Statutes, whether General or Local, and Laws, which from Time to Time apply to the Local Board of Health for the Corporate District of *Norwich*, as are applicable for Purposes of this Act.

Power for Board to take Lands compulsorily.

6. Subject to the Provisions of this Act, the Board from Time to Time may enter upon, take, and use, for Purposes of this Act, such of the Lands (other than the *Crown Point* Estate) shown on the deposited Plans and specified in the deposited Books of Reference as may be necessary for those Purposes: Provided that the Board shall not enter upon, take, or use any Land in the County of the City of *Norwich* belonging to Miss *Fanny Anne Martineau* of *Bracondale* in the County of the same City in excess of that actually required

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required for the Construction of so much of the *Trowse Road* as lies within such City and County.

7. In exercising the Powers given to the Board by this Act to construct the Works hereby authorized, and to enter upon, take, and use Lands for that Purpose, the Board shall be subject to the Provisions and Restrictions contained in this Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and the Board shall make to the Owners and Occupiers of and all other Parties interested in any Lands entered upon, taken, or used for the Purposes of the said Works or any of them, or injuriously affected by the Construction thereof, or otherwise by the Exercise by the Board of the Powers by this Act granted, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Parties by reason of the Exercise, as regards such Lands, of the Powers by this Act or any Act incorporated therewith vested in the Board, and, except when otherwise provided by this Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Act, 1845, for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the said last-mentioned Act shall be applicable to determine the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof.

The taking of Lands to be subject to Provisions of Lands Clauses Consolidation Acts,

8. If any Omission, Mis-statement, or wrong Description is made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, shown on the deposited Plans or specified in the deposited Books of Reference, the Board, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands in question, may apply to Two Justices for the Correction thereof, and if it appear to them that the Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, stating in the Certificate the Particulars of the Omission, Mis-statement, or wrong Description.

Correction of deposited Plans, &c.

9. The Certificate of Correction shall be deposited, with the Documents to which it relates, with the respective Clerks of the Peace for the City of *Norwich* and County of the same City and the County of *Norfolk*, and a Copy thereof with the Parish Clerk of the Parish in which the Lands in question be, and the same respectively shall be kept by the Clerks of the Peace and Parish Clerk with the other Documents to which the same relate, and thenceforth the deposited Plans and Books of Reference shall be deemed to be corrected in

Deposit of Certificate of Correction with Clerks of Peace and Parish Clerk.

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accordance

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accordance with the Certificate, and the Board may proceed as if the Omission, Mis-statement, or wrong Description had not been made.

Powers for compulsory Purchases limited.

10. The Powers under this Act of the Board for the compulsory Purchase of Lands for Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Confirmation of Agreement for Lease of Crown Point Estate.

11. The Agreement set forth in the First Schedule to this Act annexed for a Lease of the *Crown Point* Estate is by this Act confirmed and shall have full Effect, and the Board may exercise all Powers and do all Things necessary for carrying the said Agreement into full Effect accordingly.

Board may purchase Interest of Tenants.

12. The Board, if they think fit, may purchase or otherwise acquire the Interest of any of the Tenants and Occupiers of any Part of the *Crown Point* Estate.

Power to Board to acquire Lands, &c. by Agreement.

13. The Board may from Time to Time by Agreement, and in addition to the Lands which by this Act they are authorized to purchase compulsorily, purchase, take on Lease, or otherwise acquire, for Purposes of this Act, any Lands not exceeding in the whole Three hundred Acres, or any particular or limited Interests, Easements, or Rights in, over, or affecting any Lands, on such Terms, pecuniary or otherwise, and Conditions, as the Board think fit.

Disposal by Board of Lands, &c. not required for Purposes of Act.

14. The Board may from Time to Time, when and as they think fit, by Lease, Sub-lease, Sale, or otherwise, dispose of such Lands, Easements, or Rights from Time to Time so acquired by them, and every such Disposal may be by Public Auction or Private Contract, and subject to any special Conditions of Sale, and generally on such Terms, pecuniary and otherwise, and Conditions, as the Board think fit.

Reservations on Disposal by Board of Lands.

15. On any Lease, Sub-lease, Sale, or other Disposal of the Board of any Land, Easement, or Right acquired by them under this Act, they may except or reserve to themselves any Water or Water Rights belonging to the Lands, or any Easements or Rights with respect to Sewerage or Irrigation in, over, or affecting the Lands, and may make the respective Disposal subject to Exceptions and Reservations accordingly, and also subject to such other Exceptions and Reservations and such special Conditions and Provisions with respect to the User of Water and Sewage, the Exercise of noxious Trades, the Discharge or Deposit of Manure, Sewage, or other impure Matter, and otherwise, as they think fit.

16. All

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16. All Persons by this Act empowered to sell and convey or release Lands may grant or lease to the Board, and they may take and hold accordingly, any Term, Interest, Easement, or Right in, over, or affecting any Lands.

Power to grant Easements, &c.

17. For the Purposes of this Act, the several Provisions with respect to Lands and Rentcharges of "The Lands Clauses Consolidation Acts Amendment Act, 1860," so far as the same respectively are applicable in that Behalf, extend and apply to Terms, Interests, Easements, and Rights granted and leased under this Act, and Rents and Rentcharges reserved by the Leases and Grants of the Terms, Easements, and Rights respectively.

Application of Lands Clauses Act, 1860, to Rents, &c.

18. All such Rents or Rentcharges shall be charged on the Rates and Charges payable under this Act for Sewage supplied by the Board in preference to all other Charges thereon, and if and whenever the Rent is not paid within Thirty Days after it becomes payable, and after Demand thereof in Writing, the Person to whom it is payable either may recover the same from the Board in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Board, and the Board may pay the same out of their General District Rate.

Rents, &c. charged on Sewage Rates.

19. The Board, by Agreement, may purchase, take on Lease, or hire any Land for procuring or depositing Stone, Gravel, or other Materials for Purposes of the *Trowse Road* from any Person willing to sell or let the same.

Power to Board to acquire Land for Materials for Trowse Road.

20. Subject to the Provisions of this Act, the Board from Time to Time may make and maintain the Works and do the Things by this Act authorized to be made and done by them, and, so far as the Lines and Levels of the Works are shown on the deposited Plans and Sections respectively, may make and maintain the Works in the Lines and in accordance with the Levels shown thereon, and in the Lands shown on the Plans and specified in the deposited Books of Reference.

Power to Board to make Works authorized by Act.

21. The Works by this Act authorized to be made and maintained by the Board comprise the Works following, with all such incidental Works and Conveniences connected therewith as the Board think fit; that is to say,

Works authorized by Act to be made by Board.

(No. 1.) A Main Sewer, Cut, or Channel commencing at or near to a Point where the *Town Close Road* forms a Junction with the Road leading from *Norwich* to *Ipswich* in the Liberty of the *Town Close*, and terminating at the Pumping Station, (No. 4.)

(No. 2.) A Main Sewer, Cut, or Channel commencing at the present Outfall of the Northern Sewer in the Hamlet of *Pockthorpe*,

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thorpe, and terminating by a Junction with the Sewer (No. 1.) in *King Street* in the Parish of *St. Peter per Mountergate* :

(No. 3.) A Main Sewer, Cut, or Channel commencing in *Lower Westwick Street* near to the *New Mills Yard* in the Parish of *St. Swithin*, and terminating by a Junction with the Sewer (No. 2.) at or near to the Wharf of the *British Gaslight Company (Limited)* in the Hamlet of *Thorpe* :

(No. 4.) A Pumping Station, with all necessary Engines, Machinery, Works, and Conveniences, wholly situate in the united Hamlets of *Trowse Carrow* and *Bracondale* :

(No. 5.) A Main Pipe or Pumping Main commencing at the Pumping Station (No. 4.), and terminating at a Point where the Road from *Trowse* to *Bramerton* joins the private Road to *Whittingham* :

(No. 6.) A new Road, to be called "the *Trowse Road*," commencing in the united Hamlets of *Trowse Carrow* and *Bracondale* at or near to the Point where the Road leading from *King Street, Norwich*, joins the public High Road from *Norwich* to *Bungay* and *Loddon*, and terminating in the Parish of *Trowse Newton* near to the Point where *Whittingham Lane* runs into that public High Road :

Provided always, that the Board, in making or maintaining the Main Sewer secondly and thirdly herein-before described, or either of them, under or across the River *Yare* otherwise *Wensum*, shall not, without the previous Consent of the Commissioners under their Common Seal, make or maintain the same Sewers or either of them, or any Part thereof, or any Works connected therewith, except under the Bed of the River, and at a Distance (measured vertically) of not less than Eight Feet below the Surface of the Water of the River at Low Water of ordinary Spring Tides, to be from Time to Time ascertained by a proper Tide Gauge fixed on the *Foundry Bridge*, or make or maintain the same in any Manner to prevent or interfere with the dredging or removing by the Commissioners of the Bed of the River for the Purpose of maintaining or obtaining at any Time or Times any Depth of Water above the same Sewers and Works respectively not exceeding Seven Feet, measured from the Surface of the Water at Low Water of ordinary Spring Tides : Provided also, that the Commissioners, or their Officers, Contractors, or Agents, or any Person acting under their Authority, shall not be liable for any Damage which may be occasioned to the same Sewers and Works respectively by the dredging or deepening of the River for the Purposes of the Navigation.

Engines to
consume
their own
Smoke.

22. All Engines and Furnaces used at or in connexion with the Pumping Station No. 4. shall be so constructed and used as efficiently to consume their own Smoke.

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

Accommodation Works as herein named.

Such and so many convenient Gates, Bridges, Arches, Culverts, and Passages over, under, or by the Sides of or leading to or from the Sewers and Works as shall be necessary for the Purpose of making good any Interruptions caused by the Sewers and Works to the Use of the Lands through which the Sewers and Works shall be made; and such Accommodation Works shall be made forthwith after the Part of the Sewers and Works passing over or through 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 Sewers 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 Sewers 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 Owner thereof shall so require, and the said other Works as soon as conveniently may be:

Also all necessary Arches, Tunnels, Culverts, Drains, or other Passages, either over or under or by the Side of the Sewers 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 Sewers and Works as before the making of the Sewers and Works, or as nearly so as may be, and such Works shall be made from Time to Time as the Sewers and Works proceed:

Also proper Watering Places for Cattle where by reason of the Sewers 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 Sewers and Works had not been made, or as nearly so as may be; and the Board shall make all necessary Watercourses and Drains for the Purpose of conveying Water to the said Watering Places:

Provided always, that the Board shall not be required to make such Accommodation Works in such a Manner as would prevent or obstruct the working or using the Sewers or 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 Sewers and Works.

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Differences as to Accommodation Works to be settled by Justices.

24. 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 Board.

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

25. If for Fourteen Days next after the Time appointed by such Justices for the Commencement of any such Works the Board 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 Board 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 Sewers 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.

Disputes as to Expense to be settled by Justices.

Owners may make additional Accommodation Works, at their own Expense.

26. If any of the Owners or Occupiers of Lands affected by such Sewers and Works shall consider the Accommodation Works made by the Board or directed by such Justices to be made by the Board 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 Board, or, in case of Difference, as shall be authorized by Two Justices.

Such Works to be constructed under the Superintendence of the Board's Engineers.

27. If the Board 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 Board 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 Board, or that the Plans selected should be executed in a more expensive Manner than that adopted in similar Cases by the Board.

Period for Completion of Works shown on Plans.

28. The Works shown on the deposited Plans shall be completed within Seven Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Board for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; provided that the Board from Time to Time may renew, enlarge, extend,

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extend, and add to their Sewers, Drains, Mains, Pipes, and Apparatus whenever, for the Purposes of this Act with respect to Sewerage or Irrigation, they think it expedient so to do.

29. In making the Works the Board may deviate laterally from the Lines thereof shown on the deposited Plans to any Extent within the Limits of Deviation shown thereon, and vertically from the Levels thereof shown on the deposited Sections to any Extent not exceeding in any One Place Five Feet.

Lateral and vertical Deviations.

30. Subject to the Provisions of this Act, the Board from Time to Time, for the Purposes of this Act with respect to Sewerage and Irrigation, may make, lay down, maintain, alter, and discontinue such Culverts, Drains, Ducts, and other Works as they may deem necessary in any Lands from Time to Time vested in them for the Purposes of this Act for rendering Sewage fit for Irrigation or otherwise, and applying and disposing of Sewage for Irrigation and otherwise.

Power to Board to make Drains, &c.

31. Subject to the Provisions of this Act, the Board from Time to Time may lay down and maintain Mains, Pipes, and Plugs in, along, under, and across, and in order thereto may break up any Streets, Turnpike and other Roads, Bridges, Passages, and Ways shown on the deposited Plans and specified in the deposited Books of Reference, and also may alter or stop up any Roads, Streets, Ways, Paths, Drains, and Watercourses shown on the deposited Plans and specified in the deposited Books of Reference.

Power to Board to lay Mains, &c. in Highways, &c.

32. It shall not be necessary for the Board, before they open or break up any Street, Road, Passage, or Way in *Norwich*, to give any Notice of their Intention to do so.

Board not to give Notice of breaking up Streets, &c. in *Norwich*.

33. In executing any Works by this Act authorized, the Board shall cause to any Gas Company or Water Company as little Damage or Inconvenience as Circumstances reasonably admit, and, before the Board alter the Position of any Main or Pipe of any Gas Company or Water Company, they shall give to the Company at least Forty-eight Hours Notice in Writing, stating the Alteration which the Board require, and immediately after the Expiration of the Notice the Company shall begin and with all practicable Despatch shall complete the required Alteration, but if they fail to do so then the Board may make the Alteration; Provided that no such Alteration shall be required or made which will permanently injure any such Pipes or Mains, or any Plugs or other Works of such Gas Company or Water Company, or prevent the Gas or Water from flowing as freely and conveniently as usual.

Board to avoid Damage to Gas Pipes and Water Pipes.

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Board to pay Expenses of altering Gas Pipes and Water Pipes.

34. The Board shall pay all reasonable Expenses incurred by the Gas Company or Water Company in and about the making of the Alteration; and if the Board and the Company differ as to the Amount thereof, then the Sum to be paid shall be ascertained by a Person conversant with Gasworks, or, as the Case happens, Waterworks, as the single Arbitrator, to be, on the Application of the Board and the Company, or either of them, named by the Recorder of *Norwich*.

Power to Board to manage Sewage and Irrigation Works.

35. Subject to the Provisions of this Act, the Board from Time to Time may maintain, manage, regulate, work, and use the Sewage and Irrigation Works from Time to Time vested in them under or in accordance with this Act, and may enlarge, extend, alter, add to, and discontinue their Sewage and Irrigation Works, and the Buildings, Drains, Pipes, Tanks, Works, and Conveniences connected therewith, when and as they find it expedient so to do.

Power to Board to apply and supply Sewage for Irrigation.

36. Subject to the Provisions of this Act, the Board from Time to Time may collect and store Sewage, and clarify and deodorize Sewage, and render Sewage fit for Purposes of Irrigation, and may apply, supply, and sell and dispose of Sewage for Purposes of Irrigation or otherwise.

Power for Board to irrigate Lands with Sewage.

37. The Board from Time to Time may irrigate with Sewage any Lands acquired by them for the Purpose, and may cultivate the Lands accordingly, and may deal with and dispose of the Produce thereof, and may employ all such Superintendence and Labour, and provide all such Buildings, Erections, Stock, Materials, and other Requisites and Conveniences, and do all such other Things in that Behalf as they think expedient.

Power for Board to agree for Supplies of Sewage.

38. Subject to the Provisions of this Act, the Board from Time to Time may enter into and carry into effect such Agreements with any Companies and Persons with respect to the Supply, Application, and User of Sewage for Purposes of Irrigation or otherwise, and all Matters incidental and accessory thereto, as they think fit; and every such Agreement may be for such Period, and on such Terms, pecuniary or otherwise, and Conditions, as the Board think fit.

Charges for Supply of Sewage for Irrigation.

39. The Board may supply Sewage for Purposes of Irrigation or otherwise on such Terms, pecuniary or otherwise, and Conditions, as are agreed on between the Board and the Person taking the same.

Penalty for suffering Sewage Pipes to be out of Repair.

40. Every Person supplied by the Board with Sewage who wilfully suffers any Pipe or Apparatus used for Purposes of the Supply or of Irrigation to be out of Repair, so that the Sewage supplied to him by the Board leaks from it, shall for every such Offence forfeit to the Board

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Board not exceeding Five Pounds; provided that the Payment of the Penalty shall not free any Person so offending from any other Liability in respect of the Offence.

41. In every such Case the Board, by Notice in Writing under the Hand of their Clerk or Surveyor delivered to the Person allowing the Pipe or Apparatus to be out of Repair, or left for him at or near to the Place where the Pipe or Apparatus is, may require him to repair the Pipe or Apparatus so as to prevent the Leakage of Sewage, and if he fail to do so within Forty-eight Hours after the Service of the Notice, the Board may repair the Pipe or Apparatus, and the Expense thereof shall be repaid to them by the Person so in default, and may be recovered as Damages.

Pipes, &c. out of Repair to be repaired.

42. Nothing in this Act contained shall authorize or empower the Board to make or maintain, or to do or suffer, upon any Part of the *Crown Point Estate*, any Works, Matter, or Thing not specified in or authorized by the Agreement a Copy whereof is set forth in the First Schedule to this Act.

For Protection of Crown Point Estate.

43. The Board, and all Persons from Time to Time supplied by the Board with Sewage, shall deal with the Sewage so as to prevent its being a Nuisance, and shall in deodorizing or clarifying any Sewage, and in applying or disposing of any Sewage, act in such Manner as not to occasion any Nuisance or any Detriment to the Public Health.

Board and Persons having Supplies of Sewage not to occasion a Nuisance by Sewage.

44. Nothing in this Act shall exonerate the Board from any Indictment, Action, or other Proceeding for Nuisance or Damages in the event of any Nuisance being caused by them, or of any Damage occurring from the Operation or Want of Repair of any of their Works.

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

45. Subject to the Provisions of this Act, the Board from Time to Time may make and enforce such reasonable Regulations as they find expedient for preventing, so far as from Time to Time is practicable, the Sewage supplied by them being so applied or used or misused or neglected as to occasion any Nuisance or any Detriment to the Public Health.

Power for Board to make Regulations for preventing Nuisance from Sewage.

46. If any Person supplied by the Board with Sewage, or using Sewage supplied by them, wilfully applies any Sewage for Purposes of Irrigation, or otherwise deals with the Sewage or neglects to deal therewith, so as to occasion any Nuisance or any Detriment to the Public Health, every Person so offending shall for every such Offence forfeit to the Board not exceeding Five Pounds; provided that the Payment of that Penalty shall not free any Person so offending from any other Liability in respect of the Offence.

Penalty for suffering Sewage to occasion Nuisance, &c.

[Local.]

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47. Where

City of Norwich Act, 1867.

Power to cut
off Supply
of Sewage.

47. Where any Person having agreed with the Board for a Supply of Sewage fails, after Notice in Writing from the Board, to comply with any of the Terms and Conditions of the Agreement, or fails to pay, on Demand, any Charge for the Sewage payable in accordance with the Agreement, or wilfully disregards any of the reasonable Regulations of the Board with respect to the Sewage or the Application of Sewage or the Irrigation, the Board, if and when they think fit, and while the Person is so in default, giving him at least Forty-eight Hours Notice in Writing of their Intention, may cut off all or any Part of the Supply of Sewage to him, and the Notice may be delivered to him personally, or be sent by Post addressed to him at his usual or last known Place of Abode or of Business in *England*.

Subject to
Reference to
Justices.

48. If the Person to whom any such Notice is given dispute the Right under this Act of the Board to cut off the Supply, or the Reasonableness of any Regulation which the Board charge him with disregarding, he may at any Time after the Delivery of the Notice refer the Matter in difference to and it shall be decided by any Two Justices.

Power to
Board to
enter into
Contracts
with respect
to Crown
Point Estate.

49. The Board from Time to Time, if and when they think fit, may enter into and carry into effect any Contracts and Arrangements with any Companies or Persons with respect to any of the Purposes following; that is to say,

- (a.) The Cultiyation by the Company or Person of all or any Part of the *Crown Point* Estate, and whether for the exclusive Benefit of the Board or of the Company or Person, or for their joint Benefit:
- (b.) The Rent or other Remuneration or Allowance to be paid or made to or by the Board or the Company or Person with respect to the carrying into effect of the Contract or Agreement:
- (c.) The purchasing, hiring, or providing of Labour, Cattle, Implements, Seeds, and other Requisites for the Cultivation of all or any Part of the *Crown Point* Estate:
- (d.) The making, maintaining, and repairing of any Houses, Cottages, Buildings, Erections, Works, and Conveniences for the Purposes of the Irrigation and Cultivation of all or any Part of the *Crown Point* Estate:
- (e.) Any other Matters incidental or accessory to the Irrigation or Cultiyation of all or any Part of the *Crown Point* Estate.

Power to
Board to ap-
point Sewer-
age and
Irrigation
Committee.

50. The Board from Time to Time, if and when they think fit, may appoint, regulate, alter, and remove a Committee of themselves, to be called "The Sewerage and Irrigation Committee," for carrying into effect such of the Powers and Provisions of this Act with respect to

City of Norwich Act, 1867.

to Sewerage and Irrigation as the Board think can be better carried into effect by means of the Committee, and may delegate to them such of the Powers and Discretions in that Behalf of the Board as the Board think fit, and may determine the Number, Quorum, and Procedure and the Duties and Authorities of the Committee; provided that all the Proceedings of the Committee shall be subject to the Control of the Board, but not so as to render invalid any lawful Proceeding of the Committee.

51. The Committee may meet from Time to Time, and may adjourn from Place to Place, as they think fit; and at all Meetings of the Committee One of the Committee-men present shall be appointed Chairman; and all Questions shall be determined by a Majority of the Votes of the Committee-men present, every Committee-man present having One Vote, and the Chairman in case of an Equality of Votes having a Second or Casting Vote; but no Business shall be transacted at any Meeting of the Committee, except when the Quorum, if any, fixed by the Board, or if no Quorum be fixed by them, then Three Committee-men, be present.

Meetings,
&c. of Com-
mittee.

52. The Committee shall keep proper Minutes of all their Proceedings, and their Minute Books and other Books of Account, Documents, and Writings shall at all Times be open to the Inspection and Transcription of every Member of the Board.

Minutes of
Proceedings
of Com-
mittee.

53. The necessary Expenses of the Committee may from Time to Time be ascertained and allowed by the Board, and shall be Part of the Expenses of executing this Act with respect to Sewerage and Irrigation, and shall be paid accordingly.

Expenses of
Committee.

54. The *Trowse Road* Works by this Act authorized, so far as they affect the *Great Eastern* Railway Works, or Land in the Occupation of the *Great Eastern* Railway Company, shall be made to the Satisfaction in all respects of the *Great Eastern* Railway Company's Engineer, and before the Works there are commenced the Board shall submit the detailed Plans and Sections thereof to him, and shall make such Alterations thereof as he reasonably requires, the Reasonableness of any such Requirement to be, in case of Difference, determined by a competent and impartial Civil Engineer appointed for the Purpose, on the Application of the Board and the Company, or either of them, by the Board of Trade.

Trowse Road
Works affect-
ing Railway
to be made
to Satisfac-
tion of Rail-
way Com-
pany's Engi-
neer.

55. In carrying the *Trowse Road* across the *Great Eastern* Railway the Board shall not, without the previous Consent of the *Great Eastern* Railway Company in Writing under their Common Seal, deviate from the Centre Line of the said Road as shown on the deposited Plans.

Not to de-
viate from
Centre Line
of Road
without
Consent.

56. Nothing

City of Norwich Act, 1867.

Not to take certain Lands without Consent.

56. Nothing herein contained shall empower the Board to purchase, take, or enter upon any of the Lands belonging to or occupied by the *Great Eastern Railway Company*, further than is necessary for the Purposes of constructing the said Road, without the Consent of the *Great Eastern Railway Company* in Writing under their Common Seal first obtained.

Road over Great Eastern Railway to be maintained.

57. The Board shall at all Times maintain the Works and Conveniences by which the *Trowse Road* shall be carried across the *Great Eastern Railway* in complete and substantial Repair, Order, and Condition, and to the Satisfaction in all respects of the Engineer for the Time being of the *Great Eastern Railway Company*; and if and whenever the Board fail so to do (after reasonable Notice), the *Great Eastern Railway Company* may make and do, on and upon as well the Lands of the Board as their own Lands, such Works and Things as they may think requisite in that Behalf, and the reasonable Amount of their Expenditure in that Behalf from Time to Time shall be repaid to them by the Board, and in default of full Repayment the Amount due may be recovered, with full Costs, by the *Great Eastern Railway Company* from the Board in any Court of competent Jurisdiction: Provided always, that if any Dispute shall arise between the Board and the *Great Eastern Railway Company* with reference to any Matter comprised or referred to in this Section, the Matters in dispute shall from Time to Time be decided by an Engineer, to be appointed by the Board of Trade, on the Application of either Party.

Saving Rights of Great Eastern Railway Company.

58. Nothing herein contained shall take away, diminish, alter, or prejudice any of the Rights, Powers, Privileges, or Authorities of the *Great Eastern Railway Company*.

Power to Miss Martineau to make Drains under Road.

59. Nothing in this Act contained shall extend or be construed to extend to prevent *Fanny Anne Martineau*, and her Successors in Title, or other the Owners for the Time being of the Land adjoining that purchased or taken from her for the Purposes of the said Road, from constructing and placing underneath the said Road, and afterwards repairing, when necessary, Sewers or Drains for the Purpose of draining any of her or their adjoining Lands, on condition of her or their constructing the same at her or their own Costs and Risk, and in such Manner as the Board or their Surveyor may reasonably direct or approve, and of her or their making good all Damage which she or they may from Time to Time cause to the said Road by any Interference with the same in the Course of the Formation of such Sewers or Drains, and, during any such Interference with the said Road, sufficiently watching, guarding, and lighting the Works from Sunset to Sunrise.

City of Norwich Act, 1867.

60. From and after the Time when the *Trowse Road* is completed, it shall be a public Highway, and shall be under the Care and Management of the Board: So much thereof as is within the District of the Board shall be maintained and repaired by the Board, and so much thereof as is in the Parish of *Trowse Newton* shall be maintained and repaired to the Satisfaction of the Board by the Surveyors of Highways for that Parish, and no Part of the *Trowse Road* Fund shall be applicable for the Maintenance or Repair of any Part of the *Trowse Road* within that Parish.

Trowse Road to be public Highway, and maintained in part by Board and in part Parish Surveyors.

61. The Alteration and Improvement of *St. Giles Street* in *Norwich* made by the Board, and affecting the Churchyard of the Parish Church of *St. Giles Norwich*, shall be as lawful and effectual to all Intents as if the same had been made under a proper and sufficient Faculty duly obtained for the Purpose, and may and shall be maintained by the Board accordingly, and the Strip of that Churchyard which is thrown into the Street shall continue and be Part of the Street, and shall be subject accordingly to public Rights of Way over the same; provided that the Soil of the Strip shall remain and be vested in the Rector of the Rectory of the Parish Church, but subject to those Rights of Way.

Improvement of *St. Giles Street* affecting Churchyard to be maintained, &c.

62. The Byelaws which the Corporation from Time to Time may make, alter, repeal, and enforce include such Byelaws as they from Time to Time think fit for all or any of the Purposes following; that is to say,

Byelaws which Corporation may make as to Obstructions in the Rivers, Fishing, &c.

(a.) For regulating the Speed of Steam Vessels upon and the Navigation on the Rivers by Steam Vessels, Seaborne Vessels, Wherries, Barges, and Boats of all Descriptions, the mooring and unmooring thereof respectively, the Sum to be paid for Moorage, the User and Protection of the River Bank, Towing-paths, Mooring Posts, public Quays, Wharves, and Staithes, and the Piling and other Works supporting the River Banks and Towing-paths:

(b.) For the weighing and removing, or the blowing up and removing, of the Remains of any Vessel sunk or stranded in any Part of either of the Rivers *Wensum* and *Yare* within the Jurisdiction of the Corporation, and the Repayment in like Manner as is provided by Section 65 of the Port and Haven Act of the Expenses incurred in that Behalf:

(c.) For the remedying, discontinuing, or removing of any Nuisance, Impediment, or Obstruction in, adjoining, or near to any Part of either of the Rivers *Wensum* and *Yare* within the Jurisdiction of the Corporation:

[Local.]

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(d.) For

City of Norwich Act, 1867.

(d.) For regulating fishing in such Parts of the Rivers *Wensum* and *Yare* as are within the Jurisdiction of the Corporation, and for preserving Fish therein, and for all Matters incidental or accessory to those Purposes, including the fixing of the Times when fishing there shall be permitted or prohibited, and the determining of the Means of taking Fish which shall be permitted or prohibited :

And the Corporation may affix any Penalties for Breaches of the Byelaws, not exceeding Forty Shillings for every Offence; and the Byelaws shall be made, allowed, and published, altered, and repealed, and Penalties for Breach thereof may be enforced and recovered, in like Manner as in the Case of other Byelaws of the Corporation, and Penalties for Breach thereof.

Byelaws of Corporation not to conflict with Powers or Byelaws of Commissioners.

63. Provided, That the Corporation shall not make or enforce any of the Byelaws (a.), (b.), and (c.) so as to conflict with the Exercise by the Commissioners of their Powers under Section 65 or Section 66 of the Port and Haven Act, or with any Byelaws of the Commissioners under Section 95 of that Act, or the Enforcement thereof.

Sewerage and Irrigation Fund.

64. All Monies from Time to Time borrowed by the Board on Mortgage of the Sewerage and Irrigation Fund, and received for Sewage applied or supplied or disposed of by the Board, or as Rents or Profits of any Lands from Time to Time vested in the Board for Purposes of this Act with respect to Sewerage or Irrigation, and, except only as is by this Act otherwise provided, all other Monies from Time to Time received by the Board with respect to Sewage or Irrigation, shall form their "Sewerage and Irrigation Fund."

Sewerage and Irrigation Account.

65. The Board shall keep a separate and distinct Account of their Receipts, Credits, Payments, and Liabilities in relation to the Execution of this Act with respect to Sewerage and Irrigation, and for or on account of the Charges for Sewage supplied under this Act, to be called "The Sewerage and Irrigation Account."

Trowse Road Fund.

66. All Monies from Time to Time contributed by the *Great Eastern* Railway Company to the *Trowse Road* Fund, and borrowed by the Board on Mortgage of the *Trowse Road* Fund and their General District Rate, and received by the Board as Rents or Profits of any Lands from Time to Time vested in the Board for Purposes of this Act with respect to the *Trowse Road*, and, except only as is by this Act otherwise provided, all other Monies from Time to Time received by the Board with respect to the *Trowse Road*, shall form their *Trowse Road* Fund.

67. The

City of Norwich Act, 1867.

67. The Board shall keep a separate and distinct Account of their Receipts, Credits, Payments, and Liabilities in relation to the Execution of this Act with respect to the *Trowse Road*, to be called their *Trowse Road Account*: Provided that from and after the Time when the *Trowse Road* becomes a public Highway the Payments and Liabilities of the Board with respect to the Maintenance and Repair thereof shall be charged on the General District Rate, and shall not be included in the *Trowse Road Fund Account*.

68. The Accounts kept under this Act shall be subject to the like Provisions with respect to Audit, Examination, Report, Inspection, Copies and Extracts, and Production of Vouchers, as other Accounts of the Board, except that any additional Remuneration to be made to the Auditors in respect of the Audit of the Accounts shall be paid out of the Sewage and Irrigation Fund, or, as the Case happens, the *Trowse Road Fund*.

69. In addition to any other Monies which under the Public Health Acts and this Act they may borrow, the Board, from Time to Time, for any of the Purposes of this Act with respect to and under the Authority of this Act, may borrow at Interest, on Mortgage of their Sewerage and Irrigation Fund and their General District Rate, such Monies as they may think fit, not exceeding Seventy-five thousand Pounds, and may secure Repayment of the same, with Interest, by Mortgage accordingly.

70. In addition to any other Monies which under the Public Health Acts and this Act they may borrow, the Board, from Time to Time, for any of the Purposes of this Act with respect to the *Trowse Road*, and under the Authority of this Act, may borrow at Interest, on Mortgage of their *Trowse Road Fund* and their General District Rate, such Monies as they think fit, not exceeding Ten thousand Pounds, and may secure the Repayment of the same, with Interest, by Mortgage accordingly.

71. The Mortgagees under this Act may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Eight thousand five hundred Pounds in the whole.

72. Any Mortgage under this Act, and any Transfer of the Mortgage, may be in accordance with the respective Forms of Mortgage and Transfer by the Public Health Act, 1848, authorized, with such Modifications thereof as render them applicable to the respective Purposes

City of Norwich Act, 1867.

Trowse Road Mortgages. Purposes of this Act: Provided that every Mortgage granted by the Board under this Act shall, in accordance with the respective Purposes of this Act for which the Money thereby secured is borrowed, be distinguished on the Face thereof as being either a Sewerage and Irrigation Mortgage or a *Trowse Road* Mortgage.

Mortgages under Act to be in accordance with Public Health Acts. 73. The Mortgages from Time to Time granted by the Board under this Act shall be granted in accordance with the Provisions of the Public Health Acts with respect to Mortgages of the General District Rate; and all the Powers and Provisions of the Public Health Acts applicable with respect to Mortgages of the General District Rate, and Transfers of the Mortgages, and otherwise, shall apply and have Effect with respect to the Mortgages granted under this Act by the Board as if those Mortgages were Mortgages of the General District Rate alone.

Restrictions of Public Health Acts as to borrowing Monies. 74. The Powers of the Board of borrowing under this Act shall not be in any way restricted by any of the Provisions of the Public Health Acts, and in calculating the Amount which the Board may borrow under the Public Health Acts the Amount which they may borrow under this Act shall not be reckoned.

Power to Board to re-borrow. 75. The Board from Time to Time may, under the Authority of this Act, re-borrow any Amount from Time to Time paid off by them of the Monies borrowed by them under this Act, unless it be paid off by yearly Instalments, or by means of the respective Sinking Fund, or of Purchase Monies, or Fines for Leases, in which Cases, and to the Extent of the Amount so paid off, their Powers under this Act of borrowing and re-borrowing shall cease.

General District Rate and Estimates to include Sums payable thereout under Act. 76. After any Money is borrowed under this Act by the Board, the Amount of the General District Rate, and of the Estimates of the Money required for the Purposes of the General District Rate, shall respectively include all Sums required for Payment of any Monies from Time to Time due or accruing upon or in respect of the Mortgages and the Sinking Funds respectively.

Sewerage and Irrigation Fund to be primarily liable for Sewerage and Irrigation Mortgages. 77. As between the Sewerage and Irrigation Fund and the General District Rate, the Sewerage and Irrigation Fund shall be primarily liable to be applied in satisfaction of all the Monies secured by Sewerage and Irrigation Mortgages and the Interest thereon, and in setting apart the yearly Instalments or the Sinking Fund for the Discharge thereof; and all Monies from Time to Time paid out of the General District Rate, for the Purposes of this Act, with respect to Sewerage and Irrigation, shall from Time to Time be reimbursed and repaid

City of Norwich Act, 1867.

repaid out of the Balance from Time to Time of the Sewerage and Irrigation Fund, after the Satisfaction of the Purposes for which Monies carried to that Fund are under this Act to be applied; but nothing in this Section shall prejudice the Security of any Person lending under this Act any Money to the Board on any Sewerage and Irrigation Mortgage, and every such Mortgagee may enforce all his Rights and Remedies as if this Section were not enacted.

78. As between the *Trowse Road* Fund and the General District Rate, the *Trowse Road* Fund shall be primarily liable to be applied in satisfaction of all the Monies secured by *Trowse Road* Mortgages and the Interest thereon, and in setting apart the yearly Instalments or the Sinking Fund for the Discharge thereof; and all Monies from Time to Time paid out of the General District Rate for Purposes of this Act with respect to the *Trowse Road* shall from Time to Time be reimbursed and repaid out of the Balance from Time to Time of the *Trowse Road* Fund, after Satisfaction of the Purposes for which Monies carried to that Fund are under this Act to be applied; but nothing in this Section shall prejudice the Security of any Person lending under this Act any Money to the Board on any *Trowse Road* Mortgage, and every such Mortgagee may enforce all his Rights and Remedies as if this Section were not enacted.

79. The Board shall, in accordance with the Provisions applicable in that Behalf of the Public Health Acts, set apart and form a Sinking Fund for the Redemption of so much of the Sewerage and Irrigation Mortgages and the *Trowse Road* Mortgages respectively as the Board do not pay off by yearly Instalments, and the Board shall set apart yearly for each of the Sinking Funds such a Sum of as nearly as reasonably can be equal Amount in every Year as, with the yearly Instalments and the Interest and Accumulations of the respective Sinking Fund, will be sufficient for the Redemption, within Forty Years after the 1st Day of *January* 1870, of all the Mortgages on the respective Fund, and each of the Sinking Funds shall be continued until the whole of the respective Mortgages are redeemed; and the Monies carried to the respective Sinking Fund, so soon and so far as conveniently can be, shall from Time to Time be applied in or towards the Redemption of the respective Mortgages, and until so applied shall be invested in Government Securities in the Name of the Board.

80. The net Amount of all Purchase Monies produced by the Sale by the Board of any Lands acquired by them at the Expense of the Sewerage and Irrigation Fund, and of all Fines for any Leases granted by them of any Lands so acquired, shall from Time to Time be applied by the Board in like Manner as Monies borrowed by them

[Local.]

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on

Trowse Road Fund to be primarily liable for Trowse Road Mortgages.

Sinking Funds.

Application of Proceeds of Sale, &c. of Lands acquired by Board at Expense of

City of Norwich Act, 1867.

Sewerage
and Irriga-
tion Fund.

on Mortgage of that Fund are by this Act made applicable, or in Payment of Monies so borrowed; provided that any Monies which shall be thereby paid off shall not be re-borrowed.

Application
of Sale, &c.
of Lands ac-
quired by
Board at
Expense of
Trowse Road
Fund.

81. The net Amount of all Purchase Monies produced by the Sale by the Board of any Lands acquired by them at the Expense of the *Trowse Road* Fund, and of all Fines for any Leases granted by them of any Lands so acquired, shall from Time to Time be applied by the Board in like Manner as Monies borrowed by them on Mortgage of that Fund are by this Act made applicable, or in Payment of Monies so borrowed; provided that any Monies which shall be thereby paid off shall not be re-borrowed.

Application
of Sewerage
and Irriga-
tion Fund.

82. The Sewerage and Irrigation Fund shall be applied as follows; that is to say,

(a.) All Monies forming Part of that Fund, not being Monies received from the General District Rate or Monies borrowed on Mortgage,—

(1.) For paying the Interest from Time to Time payable on Sewerage and Irrigation Mortgages; and subject thereto,

(2.) For making the Sewerage and Irrigation Works; and subject thereto,

(3.) For setting apart the yearly Instalments or the Sinking Fund for the Redemption of Sewerage and Irrigation Mortgages; and subject thereto,

(4.) For maintaining and extending the Sewerage and Irrigation Works, and in other respects carrying this Act into execution with respect to Sewerage and Irrigation; and subject thereto,

(5.) For repaying Monies advanced for Purposes of this Act with respect to Sewerage and Irrigation out of the General District Rate, and not repaid; and subject thereto,

(6.) For paying the Principal Monies secured by Sewerage and Irrigation Mortgages; and subject thereto,

(7.) The Balance from Time to Time shall be carried to the General District Fund of the Board, and be applicable accordingly:

(b.) All Monies forming Part of that Fund, being Monies received from the General District Rate,—

For all or any of the First, Third, Sixth, and Seventh Purposes:

(c.) All Monies borrowed on Sewerage and Irrigation Mortgages—
For all or any of the Second and Sixth Purposes.

83. The

City of Norwich Act, 1867.

83. The *Trowse Road* Fund shall be applied as follows; that is to say,

Application
of Trowse
Road Fund.

(a.) All Monies forming Part of that Fund, not being Monies received from the General District Rate or Monies borrowed on Mortgage,—

(1.) For paying the Interest from Time to Time payable on *Trowse Road* Mortgages; and subject thereto,

(2.) For making the *Trowse Road*; and subject thereto,

(3.) For setting apart the yearly Instalments or the Sinking Fund for the Redemption of *Trowse Road* Mortgages; and subject thereto,

(4.) For maintaining and repairing the *Trowse Road* until it becomes a Highway, and in other respects carrying this Act into execution with respect to the *Trowse Road*; and subject thereto;

(5.) For repaying Monies advanced for Purposes of this Act with respect to the *Trowse Road* out of the General District Rate, and not repaid; and subject thereto,

(6.) For paying off the Principal Monies secured by *Trowse Road* Mortgages; and subject thereto,

(7.) The Balance from Time to Time shall be carried to the General District Fund of the Board, and be applicable accordingly:

(b.) All Monies forming Part of that Fund, being Monies received for the General District Rate,—

For all or any of the First, Third, Sixth, and Seventh Purposes:

(c.) All Monies borrowed on *Trowse Road* Mortgages—

For all or any of the Second and Sixth Purposes.

84. The Salaries, Wages, and Allowances of all Officers or Servants employed by the Board solely for the Purposes of this Act, and any additional Salaries, Wages, and Allowances allowed by the Board for Services under this Act to any Officers or Servants employed by them for other Purposes, shall be payable out of the Income of the Board arising under this Act, and shall, as the Board from Time to Time think fit, be charged against the Sewerage and Irrigation Fund and the *Trowse Road* Fund, or One of those Funds.

Payment of
Wages under
Act.

85. Whenever any Person fails to pay any Money due and payable under this Act to the Board, and the Amount so due and payable does not exceed Fifty Pounds, the Board may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction, and the Remedies of the Board under this Section shall be in addition to their other Remedies for the Recovery of the Money.

Recovery of
Sums not ex-
ceeding 50*l.*

86. The

City of Norwich Act, 1867.

Recovery of
Charges for
Sewage by
Distress.

86. The Charges for the Supply of Sewage by the Board shall be recoverable by them by Distress of the Goods and Chattels, wherever found, of the Person liable to pay the Charges; and any Justice, on Application by the Board, shall issue his Warrant of Distress accordingly.

Costs of
Distress.

87. Any Warrant of Distress under this Act may order that the Costs of the Proceedings for the Recovery of the Money be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justice or Justices issuing the Warrant, and shall be included in the Warrant of Distress for the Recovery of the Money.

Several
Names in
One War-
rant.

88. Any Number of Names or Sums may be included in any Information, Summons, Warrant of Distress, or Notice obtained or given for any of the Purposes of this Act, and may be stated either in the Body of the Instrument or in a Schedule thereto.

Recovery of
Penalties.

89. Except as is by this Act otherwise provided, all Penalties imposed by this Act may be recovered in like Manner and by like Means as if they were Penalties imposed by the Public Health Acts.

Application
of Penalties.

90. The Justices by whom any Penalty is imposed under the Act shall, where the Penalty is payable by any Person other than the Board, and the Application thereof is not otherwise provided for, award the Penalty to the Board.

Liability to
Rates, &c.
not to dis-
qualify Jus-
tices.

91. No Person shall be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Sewage, or his being liable under this Act to the Payment of any Rate or other Money.

Contracts for
Supply of
Sewage not
to disqualify
Members of
Board.

92. No Person shall be disqualified for being, continuing, or acting as a Member of the Board by reason of his being concerned in any Contract entered into by the Board for a Supply of Sewage, or for the Sale or Purchase of any Land for Purposes of this Act, or of his being a Proprietor of or interested in any Newspaper in which Advertisements for Purposes of this Act are inserted for the Board, unless he discuss, act, or vote as a Member of the Board on any Question touching any Matter in which he is directly or indirectly so interested, in which Case, and immediately thereupon, he shall be disqualified and cease to be a Member of the Board.

Member of
Board not
disqualified
by being
Shareholder
of Company
contracting
with Board
as to Crown
Estate.

93. A Person shall not be disqualified for being, continuing, or acting as a Member of the Board by reason of his being a Shareholder of any Joint Stock Company having or negotiating for any Lease from or any Contract or Arrangement with the Board with respect to the Irrigation or Cultivation of the *Crown Point* Estate or any Part thereof, or any Matter incidental thereto; provided that if any Member,

City of Norwich Act, 1867.

Member of the Board, being such a Shareholder, take any Part in any Discussion or Vote at any Meeting of the Board touching any such Lease or Contract or Arrangement, or any Question arising thereon, he shall thereupon be disqualified and cease to be a Member of the Board.

94. The Forms provided by any of the Public Health Acts may be used for Purposes of this Act, with such Modifications thereof respectively as are expedient for referring to this Act, and for rendering them applicable to those Purposes.

Forms of Public Health Acts may be used.

95. Any Summons, Demand, Notice, or other such Document under or for the Purposes of this Act may be in Writing or Print, or partly in Writing and partly in Print, and, if the same require Authentication by the Board or the Corporation, the Signature thereof by the Clerk to the Board, or, as the Case happens, the Town Clerk, shall be a sufficient Authentication thereof.

Authentication of Notices, &c.

96. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, Privileges, or Authorities of the Corporation or of the Board or of the Commissioners.

Saving Rights of Corporation and Board and Commissioners.

97. The Great Eastern Railway Company may, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, from Time to Time contribute any Sum which they think fit towards the Trowse Road Fund, not exceeding in the whole Five thousand Pounds.

Power to Great Eastern Railway Company to contribute to Trowse Road Fund.

98. The Great Eastern Railway Company, with the like Authority, may apply in Payment of their Contribution any Monies which they are already authorized to raise, and which are not required by them for the Purposes of their Undertaking, and also any Monies which they are by this Act authorized to raise.

And to apply Funds for that Purpose.

99. The Great Eastern Railway Company, from Time to Time may raise, for the Purposes of their Contribution, any Sums of Money, not exceeding in the whole the Amount which they agree to contribute, by the Creation and Issue of new ordinary Shares or Stock, or new preferential Shares or Stock, of their Capital, or, at their Option, by any of those Modes; and the Clauses and Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following Matters, that is to say,

Power to Great Eastern Railway Company to raise Money by Shares or Stock.

- The Distribution of the Capital of the Company into Shares;
- The Transfer or Transmission of Shares;

[Local.] 17 U The

City of Norwich Act, 1867.

The Payment of Subscriptions, and the Means of enforcing the Payment of Calls ;
 The Forfeiture of Shares for Nonpayment of Calls ;
 The Remedies of Creditors of the Company against the Shareholders ;
 The Consolidation of the Shares into Stock ;
 and Part Two (relating to additional Capital) of "The Companies Clauses Act, 1863," extend and apply to the *Great Eastern Railway Company*, and the additional Capital which they are by this Act authorized to raise.

Shares not to issue until One Fifth paid up.

100. The *Great Eastern Railway Company* shall not issue any Share under the Authority of this Act, nor shall any Share vest in the Person accepting it, unless and until a Sum not being less than One Fifth of the Amount of the Share be paid in respect thereof.

Application of Monies raised by Company.

101. All Monies which the *Great Eastern Railway Company* raise under this Act shall be applied for the Purposes of their Contribution to the *Trowse Road Fund* only.

Interpretation of Terms.

102. In the Provisions of this Act with respect to Commons and Waste Lands in *Norwich*—

- (a.) The Term "Common" means and includes Land subject at the passing of this Act to any Right of Common and Waste Land :
- (b.) The Term "Commoner" means a Person having any such Right of Common :
- (c.) The Term "Manor" includes reputed Manor :
- (d.) And those Terms respectively as used in this Act refer to any particular Common to which this Act applies, and to every Person having a Right of Common in, over, or affecting that Common, and to the Manor of the Wastes whereof that Common is Part :
- (e.) The Term "the Commissioners" means the Inclosure Commissioners for *England and Wales* :
- (f.) The Term "Assistant Commissioner" means the Assistant Commissioner appointed by the Inclosure Commissioners.

Memorial for Scheme as to Common.

103. A Scheme for the draining, levelling, lighting, watching, and improving by the Corporation of a Common, and the expending by them of Money for the Purpose, and the making by them of Byelaws and Regulations for the Prevention of Nuisances and the Preservation of Order thereon, may be made under this Act, on a Memorial in that Behalf presented to the Commissioners by the Lord of the Manor, or by any Commoners, or by the Corporation.

104. On

City of Norwich Act, 1867.

104. On the Presentation of any Memorial under this Act, the Commissioners (if on consideration of the Memorial they think fit) may make such Examination and Inquiry as they think necessary or proper in relation to the Subject Matter of the Memorial.

Inquiry into Memorial.

105. On such Examination and Inquiry the Commissioners may, if they think fit, prepare the Draft of a Scheme respecting the Common or any Part thereof.

Preparation of Draft Scheme.

106. Where under this Act the Commissioners prepare the Draft of a Scheme, they shall print it, and deliver printed Copies of it to the Memorialists and to the Lord of the Manor and to the Corporation, and shall also, in such Manner as they think sufficient for giving Information to all Parties interested, publish and circulate it or a proper Abstract of it.

As to printing and publishing of Draft Scheme.

107. During Two Months after the first Publication of the Draft of the Scheme the Commissioners shall receive any Objections or Suggestions made to them in Writing respecting the Scheme.

Objections and Suggestions respecting Scheme.

108. At any Time after the Expiration of those Two Months the Commissioners, if they think fit, may refer the Draft of the Scheme to an Assistant Commissioner:

Inquiry into Scheme by public Sitings.

(a.) On any such Reference the Assistant Commissioner shall proceed to make an Inquiry concerning the Subject Matter of the Scheme, and for that Purpose to hold a Sitting or Sittings at the Guildhall in *Norwich*, and thereat to take and receive any Evidence and Information offered, and hear and inquire into any Objections or Suggestions made during the Sitting or Sittings respecting the Scheme or the Common, with Power from Time to Time to adjourn any Sitting:

(b.) Notice shall be published in such Manner as the Commissioners direct of every such Sitting (except an adjourned Sitting) Fourteen Days at least before the holding thereof.

109. The Assistant Commissioner to whom the Draft of the Scheme is referred shall make a Report in Writing to the Commissioners setting forth the Result of the Inquiry, and whether in his Opinion the Draft of the Scheme should be approved, with or without Alteration, and if with any, then with what Alteration, and his Reasons for the same, and the Objections and Suggestions, if any, made on the Inquiry and his Opinion thereon.

Report of Assistant Commissioner.

110. So soon as may be after the Expiration of the Two Months, or, as the Case happens, the Receipt by the Commissioners of the Report of the Assistant Commissioner, the Commissioners shall proceed to

Final Settlement and Approval of Scheme.

City of Norwich Act, 1867.

to consider any Objections or Suggestions made to them in Writing respecting the Scheme, and the Report (if any), and thereupon they shall, if they think fit, finally settle and approve the Scheme in such Form as they think expedient.

Scheme to state Rights affected.

111. The Scheme shall state what Rights (if any) claimed by any Person or Class of Persons are affected by the Scheme, and in what Manner, and to what Extent they are affected thereby, and whether or not the Scheme has been in relation thereto consented to by that Person or Class of Persons, or any of them.

Provision for Compensation.

112. No Estate, Interest, or Right of a profitable or beneficial Nature in, over, or affecting a Common shall, except with the Consent of the Person entitled thereto, be taken away or injuriously affected by the Scheme, without Compensation being made or provided for the same, and the Compensation shall, in case of Difference, be ascertained and provided in the same Manner as if the same were Compensation under the Lands Clauses Consolidation Act, 1845, for the compulsory Purchase and taking or the injurious affecting of Lands.

Appeal against Determination of Commissioners.

113. If any Person claiming any Estate, Interest, or Right in, over, or affecting the Common to which the Scheme relates is dissatisfied with any Determination made or implied by the Commissioners or by the Scheme concerning any Estate, Interest, or Right in, over, or affecting the Common, every such Person may obtain a Decision thereon in an Action at Law in the Manner provided by Section 56 of the General Act of the Session of the 8th and 9th Years of the Reign of Her present Majesty, Chap. 118., for facilitating the Inclosure and Improvement of Commons.

Provision for Sale of printed Copies of Scheme.

114. The Scheme shall contain a Provision for the Sale, at a Price not exceeding a reasonable Sum fixed by the Scheme, at all Times, to all Persons wishing to buy the same, of printed Copies thereof.

Scheme when approved, to be certified.

115. The Scheme, when approved by the Commissioners, shall be certified by them, and sealed with their Common Seal.

Printing and publishing of Scheme.

116. Where under this Act the Commissioners certify a Scheme, they shall deliver printed Copies of it to the Memorialists, and to the Lord of the Manor, and to the Corporation, and shall also, in such Manner as they think sufficient for giving Information to all the Parties interested, publish and circulate it, or a proper Abstract of it.

Annual Report to be laid before

117. The Commissioners shall, in the Month of *February* in every Year, make a separate Report to Her Majesty of all their Proceedings under

City of Norwich Act, 1867.

under this Act during the Year ending with the 31st Day of *December* then last, and the Report shall be laid before both Houses of Parliament within Fourteen Days after the making thereof, if Parliament is then sitting, and if not then within Fourteen Days after the then next Meeting of Parliament.

Houses of Parliament.

118. The Commissioners in the Annual Report shall set forth in full every Scheme certified by them under this Act during the Year to which the Report relates, and shall state the Grounds of their Approval thereof, and the Objections, if any, made thereto and overruled, and all Proceedings had in respect of those Objections, and the Grounds on which they were overruled.

Contents of Report.

119. A Scheme under this Act, certified by the Commissioners, shall not of itself have any Operation, but the same shall have full Operation when and as confirmed by Act of Parliament, with such Modifications, if any, as to Parliament seem fit.

Confirmation of Scheme by Act of Parliament.

120. If in the Progress through Parliament of a Bill confirming any Scheme certified under this Act by the Commissioners a Petition is presented to either House of Parliament against the Scheme, the Bill, as far as it relates to the Scheme petitioned against, may be referred to a Select Committee, and the Petitioner shall be allowed to appear and oppose as in case of a Private Bill.

Reference of Scheme to Select Committee if opposed.

121. All Expenses incurred by the Commissioners in relation to any Memorial under this Act, or to any Scheme consequent thereon, shall be defrayed by the Memorialists, or by any Ratepayers or Inhabitants of *Norwich* willing and offering to defray those Expenses, or by the Corporation, if willing and offering to defray the same; and the Commissioners may, if they think fit, on or at any Time after the Presentation of the Memorial, require the Memorialists, or, as the Case happens, those Ratepayers or Inhabitants, or any of them, or the Corporation, having so offered, to pay to the Commissioners such Sum as the Commissioners think requisite for or on account of those Expenses, or to give Security to the Satisfaction of the Commissioners for the Payment of those Expenses, on Demand.

Expenses of Scheme to be defrayed by Memorialists, &c.

122. The Corporation may contribute in a gross Sum, or by annual Payments or otherwise, such a Sum as they think fit towards the Expenses of executing any Scheme under this Act, when confirmed by Act of Parliament, including the Payment of the Compensation (if any) to be paid in pursuance thereof.

Power for Corporation to contribute for Purposes of Scheme.

123. All Expenditure incurred by the Corporation under the Provisions of this Act with respect to Commons shall be defrayed by them

Expenses of Corporation for Commons

City of Norwich Act, 1867.

to be paid
out of
Borough
Rate.

Amendment
of Schemes.

them out of the Borough Rate of *Norwich*, and the Amount requisite in that Behalf shall be raised by means of that Rate accordingly.

124. The Commissioners may from Time to Time approve and certify a Scheme for amending any Scheme under this Act, confirmed by Act of Parliament, and all the Provisions of this Act relative to an original Scheme shall, *mutatis mutandis*, apply also to an amending Scheme.

Provision for
Cases of
Disability.

125. Where any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common in *Norwich* is under the Disability of Infancy, Lunacy, or Coverture, or other legal Disability, or is beyond the Seas, his or her Guardian, or, as the Case requires, Trustee, Committee of the Estate, Husband, or Attorney, or, in default thereof, a Person nominated in that Behalf by the Commissioners under their Common Seal (which Nomination they are by this Act empowered to make as Occasion requires), shall for the Purposes of this Act be deemed to be substituted in the Place of the Lord, Commoner, or other Person.

Power for
Lord of
Manor, &c.
to appoint
Agent.

126. Any Lord of a Manor, Commoner, or other Person having any Estate, Interest, or Right in, over, or affecting a Common in *Norwich* may, by a Power of Attorney in Writing under his Hand (which shall be exempt from Stamp Duty), appoint an Agent to act for him for the Purposes of any Memorial or Scheme under this Act:

- (a.) All Things by any of the Provisions of this Act with respect to Commons directed or authorized to be done by or with relation to any Lord of a Manor, Commoner, or other Person may be lawfully done by or with relation to his Agent so appointed :
- (b.) Every such Agent may, in the Name and on behalf of his Principal, sign, concur in, and execute any Memorial or Act, or signify Consent or Dissent on any Matter arising out of the Execution of this Act with respect to any Common :
- (c.) Every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal had himself acted :
- (d.) Every such Power of Attorney, or a Copy thereof examined and authenticated as a true Copy by the Signature of a Witness or Witnesses, shall be deposited with the Commissioners :
- (e.) Any such Power of Attorney may be in the Form given in the 2nd Schedule to this Act annexed or to the like Effect.

Provision for
Conveyance

127. Where any Estate, Interest, or Right in, over, or affecting a Common in *Norwich* is by Deed conveyed, with the Approval of the
Commis-

City of Norwich Act, 1867.

Commissioners, for the Purposes of a Scheme under this Act, the Provisions of the Act of the 9th Year of *Geo. II.* Chap. 36., "to restrain" to Commis-
 "the Disposition of Lands whereby the same become unalienable," sioners.
 shall not apply to the Conveyance, or to the Estate, Interest, or Right so conveyed.

128. Nothing in this Act shall exempt the Sewerage or Irrigation Works, or the *Trowse Road*, or the Board, or the Corporation, from the Provisions of any General Act hereafter passed with respect to the Public Health or Local Government, or with respect to Sewerage or Irrigation Works, or with respect to Highways, or for any future Revision and Alteration, under the Authority of Parliament, of the Charges for the Supply of Sewage. Provisions for General Acts.

129. All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Board out of the first Monies in their Hands applicable for any of the Purposes of this Act, but shall be debited to the General District Rate Fund. Expenses of Act.

City of Norwich Act, 1867.

The SCHEDULES referred to in the foregoing Act.

The FIRST SCHEDULE.

HEADS of AGREEMENT to form the Basis of a Lease from Mr Harvey to the Norwich Board of Health of nearly 1,300 Acres of Land in the Parishes of Trowse, Kirby Bedon, and Wittingham, in the County of Norfolk, for the Utilization of the Norwich Sewage.

Mr. Harvey to grant to the Corporation of Norwich, as the Norwich Board of Health, a Lease of the Lands shown on a Map (marked A, and signed by Mr. Harvey and Alfred William Morant, the Surveyor to the Board), and thereon distinguished by the Red Outline, and containing 1292a. Or. 29p. or thereabouts, with all Buildings thereon, inclusive of Nineteen Labourers Cottages, for the Term of Fifteen Years from the 11th Day of October 1867, at a clear Rent, payable half-yearly, of 3*l.* per Acre for the Land and Farm Buildings, and 75*l.* for the Labourers Cottages, and 29*l.* 16*s.* in discharge of all Claims for Tithe, Rentcharge, Modus, and Customary Payments to the Rector, Vicar, Impropiator, or other Tithe Owner over the said Lands, the Corporation to pay all Local, Parochial, and other Rates and Taxes, except Land Tax, Quit Rents, and Landlord's Income Tax; but as Mr. Harvey is only Tenant for Life of One of the Marshes, containing 14a. 3r. 0p. or thereabouts, No. 96 on the said Plan, the Term as to this Land is to be determined on his Death, if occurring during the Continuance of the Lease, but as to the Lands so under Lease the Rent is to be subject to the Reduction mentioned in the Clause herein-after contained.

The Corporation to have Power to construct and lay down on the Blue Line shown on the Plan, or within a Deviation of One hundred Yards on either Side, a Main Sewer or Pipe for the Purpose of conveying the Sewage to such Parts of the Lands leased as the Corporation shall think fit, and also, if necessary, Conduits or Ducts therefrom on the Brown Line shown on the Plan, or within a Deviation of Ten Yards on either Side; the Sewer, Pipe, Conduits, or Ducts to be constructed of such Thickness, and of such Materials, and in such Manner as may be approved by the Surveyors of each Party, and to be so maintained and kept in repair as not to injure or damage the Remainder of Mr. Harvey's Crown Point Estate; the Corporation to be at liberty to enter upon the Estate for the Purpose of repairing or replacing such Main Sewer, Pipe, Conduits, or Ducts, as Occasion may require, paying for all incidental Damage, either upon laying the Sewer, Pipe, Conduits, or Ducts down in the first instance, or afterwards.

The Corporation to be at liberty to erect such Buildings for the due Occupation of the Lands leased as they may think fit, and Mr. Harvey shall purchase the

City of Norwich Act, 1867.

the same at the End of the Term at a Valuation in the usual Manner, but he shall not be bound to pay more than 2,500*l.* for such Buildings, whatever their then Value may be.

The Corporation may, by themselves or their Lessees or Under-tenants, occupy and use all or any of the Lands leased, for the Utilization of the Sewage by Irrigation or otherwise, and for that Purpose may make such Culverts, Drains, Ducts, and other Works as they may deem necessary; and the Corporation may at the End of the Term remove and sell all Materials brought upon the Land for that Purpose (as also the before-mentioned Main Sewer, Pipe, Conduits, or Ducts), in case Mr. Harvey should not elect to purchase the same at a Valuation.

The Corporation to have the Option of renewing the Lease for an additional Term of Fifteen Years, upon giving Mr. Harvey Two Years Notice of their Intention to renew; and any additional Rent or Money which the Corporation may obtain or receive from their Lessees or Under-tenants, whether by way of Rent or Premium or otherwise, over and above the annual Rent or Sum of Money reserved by the original Lease granted by the Corporation to their Lessees or Under-tenants, shall be divided between Mr. Harvey and the Corporation in equal Moieties; and if the Corporation should think fit to farm the Lands themselves, then it shall be referred to Arbitration, in the usual Manner, to ascertain and fix what (if any) additional Rent shall be paid by the Corporation.

The Corporation to be at liberty to till, cultivate, and manage the Lands leased in such Way and Manner as they may think fit, but so that the Land is kept in good Heart and Condition, and may from Time to Time sell the Crops and Produce thereof, and so that the Corporation, at the Expiration of their Tenancy, restore the Land to the same Course of Husbandry or Shift as the same shall be in at the Commencement of their Tenancy, or as near thereto as practicable, having regard to Convenience of Occupation, or pay Mr. Harvey an equivalent Compensation, to be settled by Arbitration in the usual Manner; and if any Fences or Roads shall have been removed or altered by the Corporation, or their Lessees or Under-tenants, the same shall, if required by Mr. Harvey, be in like Manner restored or paid for; and the Corporation shall also make good all Hurts and Injuries they may cause to the adjoining Estate of Mr. Harvey by reason or in consequence of any Defects, Imperfections, or Negligence in the Construction or Management of their Works.

Such of the Lands on the said Plan as are distinguished by a Yellow Outline are subject to Leases as after mentioned; namely, as to 164a. 1r. 5p. to a Lease to Jeremiah William Woolsey for a Term which will expire on the 11th Day of October 1875, at an aggregate yearly Rent of 35*l.*; as to 14a. 3r. 0p. of Marsh Land, to a Lease to Charles Clare and Son for a Term which will expire on the 25th Day of December 1866, at the yearly Rent of 15*l.*; and as to 14a. 0r. 21p. to a Lease granted to Dowson Dent for a Term which will expire on the 11th Day of October 1870, at the yearly Rent of 40*l.*; and the Corporation are not to pay in respect of the Lands so under Lease more than the Rents reserved by such Leases until they have obtained the actual Possession of such Lands.

The Corporation are also to hire of Mr. Harvey, from the 11th Day of October 1866 to the 11th Day of October 1867, the Lands shown on the said Plan by the Green Outline, and containing 454a. 3r. 2p. or thereabouts, with the Buildings thereon, at the like yearly Rent of 3*l.* per Acre for the Land and

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Farm Buildings, and 16*l.* for the Four Cottages thereon, and 92*l.* 9*s.* 8*d.* for the Tithe Rentcharge thereon, and upon the same Conditions, Stipulations, and Agreements as are herein-before mentioned with regard to the Remainder of the said Lands.

The Corporation are not to use any of the private Roads over the Remainder of Mr. Harvey's Estate without his Consent, except the Wittingham Low Road, which the Corporation may use, keeping the same in repair at their own Expense, Mr. Harvey allowing the Corporation to raise the Stone, Marl, and other Materials at convenient Places on the Estate. Mr. Harvey retains the Right to use the Road leading to his Ferry, and the Cottage and Premises adjoining, for his private Occasions, and the joint Use of the private Road or Drift-way, marked No. 6. on the aforesaid Plan.

The Iron Fencing now on the Lands leased shall be used, where necessary, in forming the Boundary Fences, and which are to be fixed at Mr. Harvey's Expense, and the Remainder may be removed by Mr. Harvey, unless the Corporation elect to purchase the same.

The Corporation to keep in good Order and Repair the Roads and Fences in, over, or upon the Lands leased, the Fence next the Kirby Road being kept clipped to the same Shape and Manner as it now is.

Mr. Harvey to be at liberty to continue the working of existing Lime, Gravel, Marl, Brick Earth, and other Pits adjoining the Lands leased, and to extend the same into the Lands leased, paying at the Rate of 3*l.* per Acre for all Land taken for that Purpose, making good all Damage, but the Quantity of Land taken is not to exceed Twenty Acres in the whole.

The Corporation are not to interfere with any Timber on the Lands leased, but Mr. Harvey may lop or cut down the same at his Pleasure, making good all Damage; and if the Corporation should require any of the Plantations to be removed for Sewage Purposes, Mr. Harvey shall have the Option of removing the same at his Expense.

The Corporation are not to allow any of the Sewage, or the Water therefrom, to be discharged into any Outfall communicating with the River, until the same has been rendered as far as possible harmless and inoffensive.

The Corporation are not to sell or dispose of any of the Sewage until they have delivered Two Millions of Gallons per Diem upon the Lands leased, and so much upon other Lands now belonging to Mr. Harvey in the immediate Neighbourhood as Mr. Harvey or his Tenants may agree to purchase.

If the Corporation should deem it expedient to apply to Parliament for an Act to confirm or sanction this Agreement, or to confer adequate Powers on the Corporation for carrying out the same, Mr. Harvey will, if required, concur in such Application, or otherwise render all the Assistance in his Power for that Purpose.

The Corporation are to keep in repair all the Farm Buildings and Cottages now on the Lands leased, Mr. Harvey finding Timber in the rough, and Iron Work and other Materials necessary for the Purpose, the Corporation carting the same any Distance not exceeding Six Miles; but it is expressly understood that Mr. Harvey is at his sole Expense to keep up and repair from Time to Time the Brick Wall forming the Boundary Fence against the Kirby Road.

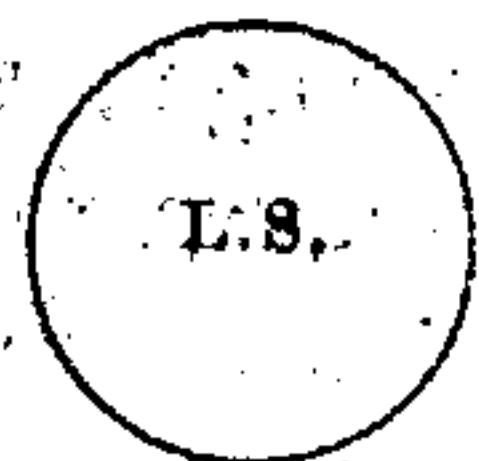
The Corporation shall bear all the Obligations (if any) of Mr. Harvey towards the out-going Tenants, and shall be entitled to the corresponding Advantages, and at the Expiration of the Tenancy of the Corporation Mr. Harvey shall in like Manner bear corresponding Obligations as Landlord in respect of all

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all Lands the Possession of which shall be given up to him or his incoming Tenants in the course of Husbandry herein-before referred to. If any Difference or Dispute shall arise between the Parties thereto touching the Construction of these Presents, or anything herein contained or incidental thereto, such Difference or Dispute shall be referred to the Arbitration of Two indifferent Persons, One to be chosen by each of the said Parties within One Calendar Month after either of them shall have made to the other a Requisition to that Effect, and such Two Persons shall appoint an Umpire between them previously to their acting in the Premises, and the Award of the said Arbitrators or their Umpire (as the Case may require) shall be binding and conclusive upon the said Parties hereto; and these Presents, and the Reference or Submission hereby made, may be made a Rule of either of Her Majesty's Courts of Law at Westminster, upon the Application of either of the said Parties; and if any Application to the Court shall be made on the Subject of the said Award, it shall be lawful for the Court to refer the said Award, and also the Matter in dispute, back to the said Arbitrators or their Umpire, as the Case may require.

All Expenses of obtaining the Act of Parliament and of preparing the afore-said Lease shall be paid by the Corporation, but each Party shall pay their own Solicitors Charges of and attending the Preparation of this Agreement; and in case the Parties differ in settling the Form of such Lease, or any of the Clauses to be inserted therein, the same shall be referred to Charles Evans, Esq., Barrister-at-Law, or such other Counsel as he may name for the Purpose. In witness whereof the said Robert John Harvey hath hereto subscribed and affixed his Hand and Seal, and the said Corporation have caused their Corporate Seal to be affixed hereto, this Fourteenth Day of July One thousand eight hundred and sixty-six.

R. J. H. HARVEY,



HENRY B. MILLER,
Clerk to the Board.



Signed, sealed, and delivered by the
above-named Robert John Harvey
Harvey in the Presence of

EDWARD FIELD,
Solicitor, Norwich.

City of Norwich Act, 1867.

The SECOND SCHEDULE.

FORM OF POWER OF ATTORNEY RESPECTING COMMONS.

City of Norwich Act, 1867.

I, *A.B.* of, &c., in pursuance of the Act, appoint *C.D.*
of, &c. to be my Agent for all the Purposes of the Act
respecting Commons [or for a specified Purpose]. As witness my Hand this
Day of A.D. 18 .

(Signed) *A.B.*

Witness,

(Signed) *E.T.* of, &c.

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