



CHAPTER cix.

An Act to authorise the construction of a Sewer and other Works for preventing the discharge into the River Lee of effluent water or sewage matter from the Sewerage Works of the Tottenham Local Board of Health and for other purposes. [25th June 1886.]

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WHEREAS the Lee Conservancy Act 1868—upon recital that a large proportion of the water supplied to the metropolis is drawn from the Lee and the preservation of the purity of the water of the Lee and its tributaries is an object of great public and local importance—established the Lee Conservancy Board for the purpose of (among other things) preserving and maintaining at all times as far as may be the purity of the water of the Lee and its tributaries:

31 & 32 Vict.
c. cliv.

And whereas section 92 of that Act empowered the said Conservancy Board by written notice to require any sewer authority causing or suffering sewage or other offensive or injurious matter to flow or pass into the Lee or any of its tributaries to discontinue the flow or passage thereof within a time to be specified in the notice not being less than one nor more than three years:

But with respect to the sewerage works of the Tottenham Local Board of Health (in this Act called “the Tottenham Board”) section 105 after requiring the Tottenham Board to provide additional depositing tanks and filter-beds and thereby and by means of their existing works by the best known practicable means to purify and disinfect the sewage matter passing through the said works declared that if and as long as such purification and disinfection are effected to the satisfaction of the Conservancy Board or in case of difference between the Conservancy Board and the Tottenham Board to the satisfaction of Her Majesty’s Secretary of State for the Home Department nothing in the said Act should authorise the Conservancy Board to give to the Tottenham Board a notice requiring them to discontinue the discharge of the effluent

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And whereas the district of the Tottenham Board is without the metropolis as defined by the Metropolis Management Act 1855 and the Acts amending the same and immediately adjoins the district of the Hackney Board of Works which is within the metropolis as so defined and the River Lee after leaving the Tottenham district flows through the Hackney district :

And whereas the population of the Tottenham district has greatly increased since the passing of the recited Act of 1868 but no effectual measures for purifying or disinfecting the sewage of their district have been taken by the Tottenham Board and the effluent water or sewage matter from their sewerage works is discharged into the River Lee in such quantities and in such a condition as increasingly to pollute the river :

And whereas the result is that within the district of the Hackney Board the Lee is so filthy as to cause a serious nuisance both offensive and highly prejudicial to the health and comfort of the inhabitants of that district and the districts through which the Lee passes from thence to its outfall :

And whereas repeated representations of the magnitude of the nuisance have been made by the Hackney Board to the Secretary of State for the Home Department the Local Government Board the Lee Conservancy Board the Metropolitan Board of Works and the Tottenham Board but the Hackney Board have been advised that in the present state of the law they are practically without redress :

And whereas the diversion from the Lee of the effluent water from the sewerage works of the Tottenham Board into the sewers of the Hackney Board and thence into the metropolitan main sewers would as a temporary measure and in contemplation of a comprehensive scheme for dealing with the sewage of the districts situate in the valley of the Lee being constructed with the least possible delay tend greatly to mitigate the nuisance and improve the sanitary condition of the Hackney district and the other districts herein-before referred to :

And whereas the Hackney Board are willing to receive such effluent water into their sewers and the Metropolitan Board are

willing to receive such effluent water into their sewers as a temporary measure but in no case for a longer period than is herein-after provided and it is expedient for the purposes of such temporary diversion and reception to authorise the construction of the sewer and works in this Act described :

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And whereas for the execution of the purposes of this Act it is expedient to confer on the Hackney Board and on the Metropolitan Board and on the Tottenham Board such powers and to make such further provisions as this Act contains :

And whereas it is expedient that such provisions as are in this Act contained be made for the payment of the expenses of constructing and maintaining the sewer and works by this Act authorised and of obtaining this Act :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas an estimate has been prepared by the Hackney Board for the purchase of land for and the execution of the sewer and works by this Act authorised and such estimate amounts to two thousand two hundred and ninety-six pounds :

And whereas such sewer and works are permanent works :

And whereas a plan and section showing the lines and levels of the sewer and works authorised by this Act and a book of reference to the plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Middlesex and are herein-after respectively referred to as the deposited plan section and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :

1. This Act may be cited as the Lee Purification Act 1886. Short title.
2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are hereby (subject to any variation thereof in this Act expressed) incorporated with this Act. Incorporation of Lands Clauses Acts.
3. In and for the purposes of this Act unless the context otherwise requires : Interpretation.
 "The Conservancy Board" means the Lee Conservancy Board established by the Lee Conservancy Act 1868 ;

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“The Hackney Board” means the board of works for the Hackney district under the Metropolis Management Act 1855;

“The Tottenham Board” means the local board of health for the district of Tottenham in the county of Middlesex;

“The Metropolitan Board” means the Metropolitan Board of Works;

“Land” includes any easement in or over lands;

“Person” includes a corporation;

Words and expressions to which meanings are assigned by any of the Acts incorporated herewith have in this Act the same respective meanings Provided that the expression “superior courts” or “court of competent jurisdiction” or any like expression shall 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 or demand created by statute;

“Effluent” means any liquid or sewage matter discharged through the sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board and includes effluent water;

“Effluent water” means an effluent which shall not contain more than two grains of suspended matter in each gallon and shall be free from gross offensive odour and from more than a trace of uncombined acid or alkali and the soluble matters in each gallon shall not absorb more than five grains of oxygen from permanganate of potash acting at 80° Fahr. during four hours.

Power to take lands and easements for purposes of Act.

4. Subject to the provisions and for the purposes of this Act the Hackney Board may enter on purchase take and use the lands delineated on and described in the deposited plan and book of reference Provided that the Hackney Board may if they think fit acquire such easement in or over any such lands as may be requisite for the purposes of this Act.

Period for compulsory purchase of lands and easements.

5. The powers of the Hackney Board for the compulsory purchase of lands and easements for the purposes of this Act shall not be exercised after the expiration of one year from the passing of this Act.

Power to take easements by agreement.

6. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Hackney Board any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with

respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1886.

7. Subject to the provisions of this Act the Hackney Board may make and maintain in the lines and according to the levels shown on the deposited plan and section the sewer and works hereinafter described to be wholly situate in the county of Middlesex (that is to say): Power to construct sewer.

A sewer to commence in the parish of Saint John at Hackney otherwise Hackney by a junction with the existing marsh sewer of the Hackney Board at or near the north-western end of Spring Lane Spring Hill and terminating in the parish of Tottenham in the sewage outfall works of the Tottenham Board at or near the tanks in those works;

Together with all branches connexions works and appliances both temporary and permanent necessary proper or convenient for the effectual construction maintenance and use of the said sewer or consequent thereon or incidental thereto.

8. The Hackney Board in making the said sewer may deviate from the lines thereof shown on the deposited plan to any extent within the limits of deviation marked or indicated thereon and from the levels thereof shown on the deposited section to such extent as they find necessary or convenient for effecting the objects of the works not exceeding three feet upwards or downwards making compensation to all persons injuriously affected by any such deviation. Power to deviate.

9. The Hackney Board in making the said sewer may from time to time as far as they find it necessary or convenient for effecting the objects of the works break up cross over or under or stop up temporarily any street highway tramway path towing-path sewer drain creek or watercourse and any pipe tube or wire for water gas telegraph or other purposes doing as little damage as may be and making compensation for any damage done. Power to break up roads &c.

Provided that the Hackney Board shall not break up or in any way interfere with any pipe tube wire or other telegraphic apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply.

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Subsidiary
works.

10. The Hackney Board may in connexion with and as part of the said sewer—

(A) Make and maintain all such branches junctions and communications both temporary and permanent between the existing or any future outfall works tanks sewers drains pipes or channels of the Tottenham Board and the sewer and works by this Act authorised as may be or become necessary or expedient for diverting into the said sewer and works during the time herein-after limited effluent water from such outfall works tanks sewers drains pipes or channels as aforesaid and for preventing the discharge flow or passage of such effluent water into the Lee or any of its tributaries or into any cut canal sewer drain pipe or channel communicating directly or indirectly with the Lee ;

(B) Make and maintain all such communications between the said sewer and the sewers of the Hackney Board as may be necessary or expedient for the admission of such effluent water into the sewers of the Hackney Board and thence into the sewers of the Metropolitan Board.

Provision as
to con-
struction of
penstock.

11. Whereas effluent will flow through the sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board into the sewers of the Metropolitan Board no effluent shall be discharged into such sewer until one penstock or two penstocks to the satisfaction of the engineer of the Metropolitan Board has or have been constructed in such position or positions as shall be determined by the engineer of the Metropolitan Board for shutting off the connexion between such sewer and the sewers of the Hackney Board. If any effluent shall be discharged into such sewer until such penstock or penstocks has or have been constructed in such position or positions the Tottenham Board shall incur a penalty of fifty pounds a day for every day during which effluent is so discharged such penalty to be recoverable by and payable to the Metropolitan Board and in addition the Metropolitan Board may take such proceedings in the High Court of Justice by injunction or otherwise as they may be advised. The penstock or penstocks constructed as aforesaid shall be maintained to the satisfaction of the engineer of the Metropolitan Board by the Tottenham Board and if the Tottenham Board do not maintain the same to the satisfaction of the engineer of the Metropolitan Board the Metropolitan Board may enter upon the land where such penstock or penstocks is or are and execute all necessary works for maintaining and repairing the same and the Metropolitan Board may recover from the Tottenham Board the cost of such works as certified by the engineer of the Metropolitan Board.

12. If at any time the Metropolitan Board or any officer or officers of the Metropolitan Board duly authorised shall be of opinion having regard to the efficient operation of the sewers and works of the Metropolitan Board that the said penstock or penstocks should be closed the Metropolitan Board or any officer or person duly authorised by them may close the same and keep the same closed for such period as he or they may think expedient.

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 Provision
 for closing
 penstock.

13. The sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board shall be used solely for the purpose of discharging effluent from the existing or any future outfall works tanks sewers drains pipes or channels of the Tottenham Board into the sewers of the Hackney Board and for no other purpose and shall be constructed as a closed sewer so that no drainage water or sewage matter or any liquid other than effluent from the said outfall works shall be collected by or be allowed to flow into or along the same and if on or after the first day of May one thousand eight hundred and eighty-seven any drainage water or sewage matter or any liquid other than effluent water as defined by this Act should be collected by or be allowed to flow into or along the same the Metropolitan Board may shut off the connexion between the said sewer and the sewers of the Hackney Board or take such proceedings in the High Court of Justice by injunction or otherwise as they may be advised.

Sewer to be
 a closed
 sewer.

14. The Hackney Board shall not under the powers of this Act without the consent in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 and the Acts amending the same twenty or more houses or in any other city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Provision as
 to labouring
 class houses.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

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 Correction
 of errors in
 deposited
 plan and
 book of
 reference.

15. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Hackney Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Middlesex for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Middlesex and such certificate shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Hackney Board to take the lands and execute the works in accordance with such certificate.

Admission
 of effluent
 water &c.
 from Totten-
 ham sewage
 into sewers
 of Hackney
 Board and of
 Metropolitan
 Board.

16. The Hackney Board and the Metropolitan Board are subject to the provisions of this Act empowered and required respectively for the time herein-after limited and no longer to receive into their sewers during the period of four months in every year beginning not earlier than the first day of May and ending not later than the thirtieth day of September as the Metropolitan Board and the Tottenham Board shall from time to time agree and in the absence of agreement during the period in every year between the first day of June and the thirtieth day of September all effluent water that may flow or pass into the sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board and generally to treat deal with or dispose of the same in like manner as any other effluent water or sewage matter passing into such sewers as aforesaid.

Provision as
 to payment
 by Totten-
 ham Board
 to Metro-
 politan Board
 for use of
 sewers, &c.

17. The Tottenham Board shall pay to the Metropolitan Board on the first day of October in each year after one thousand eight hundred and eighty-six in respect of the use of their sewers outfalls tanks and works under the provisions of this Act a sum of four hundred and fifty pounds a year and to meet the expenses incurred by the Metropolitan Board in consequence of the discharge into their sewers of effluent water from the sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board a sum of five hundred and fifty pounds a year and on the first day of October one thousand eight hundred and eighty-six a proportionate part of the said respective sums for the period which shall have elapsed between the date of the opening for use of

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the said sewer and the said first day of October one thousand eight hundred and eighty-six and for every day on which the suspended matters in the effluent as certified in writing by the chemist of the Metropolitan Board exceed two grains per gallon and do not exceed ten grains per gallon the Tottenham Board shall pay in addition to the said annual amounts a further sum of three pounds a day and for every day on which the suspended matters as certified in writing by the chemist of the Metropolitan Board in the effluent exceed ten grains per gallon the Tottenham Board shall pay in addition to the said annual amounts a further sum of six pounds a day. Provided always that nothing herein contained shall prevent the Metropolitan Board on and after the first day of May one thousand eight hundred and eighty-seven shutting off the connexion between the said sewer and the sewers of the Hackney Board if any drainage water or sewage matter or any liquid other than effluent water as defined by this Act should be collected by or be allowed to flow into or along such sewer.

18. The Metropolitan Board and any person authorised by that Board shall at all times have access to the penstock or penstocks and other works constructed in the position or positions determined by the engineer of the Metropolitan Board and may at all times take samples of the effluent water or effluent being discharged into the sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board and provision shall be made by the Tottenham Board to the satisfaction of the engineer of the Metropolitan Board to enable that Board to take samples of such effluent water or effluent at some spot either within the works of the Tottenham Board or on the line of the said sewer as the Metropolitan Board may select and if the Tottenham Board make default in complying with the provisions of this section the Metropolitan Board may close the said penstock or penstocks and keep the same closed until the Tottenham Board have complied with the provisions of this section.

Power to
Metropolitan
Board to
take samples
of effluent
&c.

19. If within one month after the passing of this Act the Tottenham Board shall serve written notice on the Hackney Board stating that they the Tottenham Board are willing and desirous to construct the sewer and other works by this Act authorised and to maintain so much thereof as shall be situate in the parish of Tottenham then the Tottenham Board shall be authorised and required in place of the Hackney Board to construct the said sewer and works and to maintain so much thereof as shall be situate in the parish of Tottenham and shall have all the powers and be subject to all the obligations in that behalf conferred or

Option for
Tottenham
Board to
construct
sewer.

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imposed by this Act on the Hackney Board but subject to the following provisions (namely):

- (I) The said sewer and works shall be made under the superintendence and to the reasonable satisfaction of the engineer of the Hackney Board;
- (II) The Tottenham Board shall commence and proceed with the construction of the said sewer and works with the utmost practicable speed and so as to complete the same at latest within six months from the passing of this Act and shall maintain the same so far as situate in the parish of Tottenham in good order and condition;
- (III) The Hackney Board and any person authorised by that Board shall be entitled at all times to enter on inspect and examine any works of the Tottenham Board under this Act and any other sewerage works of the Tottenham Board so far as the Hackney Board may require to do so for ascertaining progress or enforcing the execution of any of the provisions of this Act;
- (IV) If after the giving of such notice the Tottenham Board fail for one month to commence the construction of the sewer and works by this Act authorised or to proceed therewith as herein-before mentioned or to complete the same within six months from the passing of this Act or to maintain the same as aforesaid in good order and condition they shall incur a penalty of twenty pounds for every day during which any such failure shall continue which penalty may be recovered summarily or by action in any court of competent jurisdiction at the suit of the Hackney Board and in addition the Hackney Board may take such proceedings by mandamus or otherwise as they may be advised in the High Court of Justice for enforcing the commencement proceeding with completion and maintenance of the said sewer and works by the Tottenham Board.

Provision as to property in and maintenance of works.

20. All works authorised by and made under the foregoing provisions of this Act shall as to so much thereof as shall be situate in the parish of Tottenham be the property of and be maintained by the Tottenham Board and as to so much thereof as shall be situate in the parish of Hackney be the property of and be maintained by the Hackney Board.

Prohibition of sending effluent water &c. from Tottenham sewage into

21. From and after the completion of the said sewer and works it shall not be lawful for the Tottenham Board to discharge or to cause or suffer to flow or pass directly or indirectly into the Lee or any of its tributaries any effluent water sewage or sewage matter from any of their present or future sewerage works and if the

Tottenham Board do or suffer to be done any act in contravention of this enactment they shall be liable to a penalty not exceeding fifty pounds for every day during which such contravention continues. Provided that the foregoing prohibition shall not apply during any period in which the Hackney Board and the Metropolitan Board respectively do not under the provisions of this Act receive into their sewers the effluent water of the Tottenham Board nor whenever and so long as the communication between the sewer authorised by this Act and the sewers of the Hackney Board is closed under the provisions of this Act nor during any time when the said sewer is being utilised to the full extent of its carrying capacity.

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Lee after completion of sewer.

22. The Tottenham Board shall within six months of the passing of this Act pay to the Hackney Board the sum of three hundred and fifty pounds as a contribution towards the costs charges and expenses preliminary and of and incidental to the preparing applying for obtaining and passing of this Act and the Tottenham Board shall from time to time within one month after an account shall have been rendered to them by the Hackney Board repay to that Board all sums expended by them in the execution and maintenance of any works by this Act authorised which shall have been executed and maintained by the Hackney Board.

Repayment by Tottenham Board of sums expended by Hackney Board.

23. All sums payable by the Tottenham Board to the Hackney Board or to the Metropolitan Board and all expenses incurred by the Tottenham Board in the execution of works or otherwise under the authority of this Act shall be paid by the Tottenham Board out of the fund or rate applicable to their general expenses under the Public Health Act 1875 or (except sums paid for or expenses incurred in the maintenance of any works by this Act authorised) out of money borrowed by them under the authority of this Act.

Expenses of Tottenham Board how paid.

24. Subject to the provisions of this Act the Tottenham Board are hereby authorised to borrow—

Power of Tottenham Board to borrow.

Such sums properly chargeable to capital as they may be required to pay or repay to the Hackney Board under the provisions of this Act; and

If they undertake the construction of the sewer and works by this Act authorised such sums as may be required for that purpose;

and such sums as may be necessary for paying the costs charges and expenses incurred by the Tottenham Board preliminary and of and incidental to the settling obtaining and passing of the Bill for this Act and of and incidental to the negotiating and preparing of the agreement scheduled hereto.

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Security and
mode of
raising
moneys.

25. All or any sums which the Tottenham Board are authorised by this Act to borrow may be borrowed and re-borrowed by them on the security of their district fund and general district rate and they may mortgage the said fund and rate to secure repayment of such sums accordingly.

Form of
mortgages.

26.—(1) All the mortgages of the Tottenham Board under this Act shall rank together without any priority on account of the date of the deed or on any other account.

(2) The provisions contained in sections 236 to 239 both included of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Tottenham Board under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Tottenham Board.

Discharge
of money
borrowed on
mortgage.

27.—(1) All sums borrowed on mortgage by the Tottenham Board in pursuance of this Act shall be repaid by them within a period not exceeding five years after the same are respectively borrowed either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund.

(2) If the said Board establish a sinking fund they shall appropriate and carry to that fund such equal yearly or half-yearly sums as with the dividends income and annual proceeds thereof being invested in securities in which trustees are by law for the time being empowered to invest or in the mortgages bonds debentures or stock of any local authority other than the Tottenham Board within the meaning of the Local Loans Act 1875 and accumulated in the way of compound interest at the rate of three pounds ten shillings per centum per annum will be sufficient to discharge the loan or portion of a loan to the discharge of which it is applicable within the said period of five years.

(3) The first payment of any half-yearly or yearly instalment or the first appropriation to every such sinking fund shall be made within twelve months from the date of the borrowing of the moneys in respect of which such instalment is to be paid or such sinking fund is to be created.

(4) Any such sinking fund or any part thereof may be from time to time applied by the said Board in repayment of the principal moneys borrowed.

(5) Provided that whenever any of such principal moneys have been so paid off the said Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking

fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the annual interest of the principal moneys so paid off.

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(6) Provided further that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the said Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

28. If the Tottenham Board pay off any part of any money borrowed by them under the powers of this Act otherwise than as follows viz. by instalments or by means of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or other property or out of fines or premiums on leases or other moneys received on capital account they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall for the purposes of repayment be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Tottenham Board with respect to the repayment of such moneys by yearly or half-yearly instalments or by means of a sinking fund shall not be in any way affected by such re-borrowing.

Power to re-borrow.

29. All moneys raised by borrowing under the powers of this Act shall be applied only to purposes for which they are by this Act authorised to be borrowed and to which capital is properly applicable.

Application of borrowed moneys.

30. A person lending money to the Tottenham Board under this Act shall not be bound to inquire as to the observance by that Board of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection of lenders from inquiry.

31.—(1) The clerk to the Tottenham Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid in respect of moneys borrowed under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund

Annual return to Local Government Board.

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during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

(2) If it appear to the Local Government Board by such return or otherwise that the Tottenham Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or any interest thereof or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Agreement
between
authorities.

32. Subject to the provisions of this Act the Tottenham Board and the Hackney Board and the Metropolitan Board may from time to time enter into and carry into effect joint agreements and contracts with reference to the execution of any of the provisions of this Act.

Confirmation
of scheduled
agreement.

33. Whereas since the introduction of the Bill for this Act into Parliament the agreement between the Hackney Board and the Tottenham Board set forth in the schedule to this Act has been entered into with the view of more speedily effecting the objects of this Act and it is expedient to confirm and give effect to the same: Be it therefore enacted as follows:

The agreement set forth in the schedule to this Act is hereby confirmed and (so far as it has not been already carried into effect) shall be carried into effect by the parties thereto and if the sewers therein mentioned are completed within one month after the passing of this Act or such other period as may be agreed on between the Hackney Board and the Tottenham Board then those sewers shall to all intents be substituted for the sewer authorised by the foregoing provisions of this Act and it shall not be lawful to construct the last-mentioned sewer

but this Act shall be read and have effect as if the sewers agreed to be constructed under the said agreement were the sewer authorised by the foregoing provisions of this Act.

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34.—(1) Any expenses incurred by the Hackney Board under the authority of this Act and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Hackney Board out of the sewers rate leviable by them under the Metropolis Management Act 1855 and the Acts amending the same or (except expenses incurred in the maintenance of any works by this Act authorised) out of money borrowed on the security thereof subject nevertheless to repayment by the Tottenham Board of such of those expenses costs and charges as are under the provisions of this Act repayable by them.

Expenses of
Hackney
Board.

(2) For the purpose of meeting any such expenses costs and charges (except expenses incurred in the maintenance of any works by this Act authorised) the Hackney Board are hereby authorised with the sanction of the Metropolitan Board to borrow temporarily on the security of the said rate such moneys as they may require and sections 183 to 191 of the Metropolis Management Act 1855 as amended by any subsequent Act shall extend so far as they are applicable to the borrowing of money by the Hackney Board under the provisions of this section.

(3) All moneys repaid to the Hackney Board shall be immediately applied by that Board as follows—as to moneys received in respect of expenses paid out of borrowed moneys in repayment of such borrowed moneys and as to other moneys in recouping the fund from which such moneys were expended by the Board.

35. Nothing in this Act shall diminish the obligation of the Tottenham Board under the Lee Conservancy Act 1868 to use the best known practicable means for purifying and disinfecting the sewage matter passing into or through their sewerage works so as effectually to purify and disinfect such sewage matter.

Saving for
obligation of
Tottenham
Board to
purify
sewage.

36. All offences and penalties under this Act may be prosecuted and recovered before a court of summary jurisdiction and any person aggrieved by any decision of any such court under this Act may appeal therefrom to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

Summary
proceedings.

37. Nothing in this Act shall affect any right remedy or proceeding which would have existed or have been available as against the Tottenham Board if this Act had not been passed and the powers of this Act are accordingly in addition to any other powers conferred by law or statute.

Powers of
Act cumu-
lative.

A.D. 1886.
Duration of
certain
provisions
of Act.

38. Whereas it is intended that the obligation by this Act imposed on the Metropolitan Board to receive into their sewers effluent or effluent water that may flow or pass into the sewer connecting the outfall works of the Tottenham Board with the sewers of the Hackney Board shall be temporary in contemplation of a comprehensive scheme for dealing with the sewage of the districts situate in the valley of the Lee being constructed with the least possible delay Be it therefore enacted that notwithstanding any other provision of this Act the Metropolitan Board and the Hackney Board shall not be empowered after the expiration of five years from the passing of this Act to receive into their sewers any such effluent or effluent water and that no such effluent or effluent water shall after the expiration of three years from the passing of this Act be discharged into the sewers of the Metropolitan Board or the Hackney Board unless the Metropolitan Board shall in writing consent to extend the time during which such effluent or effluent water may be discharged into their sewers and the sewers of the Hackney Board for a further period or periods not exceeding in the aggregate two years But the limit of five years herein-before provided shall in no case be exceeded.

After the expiration of three years from the passing of this Act or if the Metropolitan Board shall have consented in writing to extend the time then after the expiration of such extension of time the Metropolitan Board shall require the Tottenham Board to permanently cut off all communication between the said sewer and the sewers of the Hackney Board and if the Tottenham Board do not within a month cut off all such communication the Metropolitan Board may without further notice enter upon any land of the Tottenham Board or the Hackney Board and do all works necessary for the purpose of permanently cutting off all such communication and disconnecting the sewers of the Hackney Board from the said sewer and may recover from the Tottenham Board the costs thereof as certified by the engineer of the Metropolitan Board.

39. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Hackney Board but the Tottenham Board shall within six months of the passing of this Act pay to the Hackney Board the sum of three hundred and fifty pounds as a contribution towards such costs charges and expenses as herein-before provided.

SCHEDULE.

ARTICLES of AGREEMENT made the eighteenth day of May 1886 A.D. 1886.
between the Board of Works for the Hackney District (hereinafter called "the Hackney Board") of the one part and the Local Board of Health for the District of Tottenham (hereinafter called "the Tottenham Board") of the other part.

WHEREAS the Hackney Board are promoting a Bill in the present session of Parliament by which it is proposed to authorise the construction at the expense of the Tottenham Board of a sewer therein described for the purpose of conveying the effluent water from the sewerage works of the Tottenham Board into the sewers of the Hackney Board and thence into the main sewers of the Metropolitan Board of Works:

And whereas the Tottenham Board are desirous that arrangements should be made for conveying the said effluent water into the sewers of the Hackney Board without waiting for the passing of the said Bill into an Act and it is therefore proposed that the Tottenham Board should under the powers conferred on them by the Public Health Act construct a sewer from their works to the boundary of the parishes of Tottenham and Hackney and that the Hackney Board under the powers conferred on them by the Metropolis Management Acts should construct a sewer so as to connect the proposed Tottenham sewer with the existing sewers of the Hackney Board which sewers so constructed would effect the same object as the sewer proposed to be authorised by the said Bill:

Now it is hereby agreed between the said parties hereto as follows (that is to say)—

1. The Tottenham Board will as soon as possible after the execution of these presents commence and construct and maintain a sewer from their sewerage works to the point B marked on a copy of the plan referred to in the said Bill as the deposited plan and signed by Richard Ellis on behalf of the Hackney Board and Robert William Parker on behalf of the Tottenham Board and the Hackney Board will as soon as possible after the execution of these presents and after obtaining any requisite consent of the Metropolitan Board of Works commence and construct and maintain a sewer between the points B and C marked on the said plan.

2. The Tottenham Board will pay all expenses properly incurred in the construction of the whole of the said sewers and incident thereto or consequent thereon and if any such expenses shall as regards the portion of sewer constructed by the Hackney Board be paid in the first instance by the Hackney Board the Tottenham Board will repay the amount thereof to the Hackney Board on demand together with interest at the rate of five per centum per annum on any amount which may remain unpaid after the expiration of one month from the date of demand for payment.

A.D. 1886.

3. The said sewer so constructed shall to the extent authorised by Parliament be in substitution for the sewer proposed to be authorised by the said Bill.


4. This agreement is made subject to such alterations as Parliament may think fit to make therein and is to be scheduled to and confirmed by the said Bill and both parties will use their best endeavours to obtain its confirmation accordingly by Parliament.

As witness the respective common seals of the Board of Works for the Hackney District and the Tottenham Local Board of Health the day and year first above written.

GEORGE CABLE, Chairman.

J. W. WHITER
WILLIAM EVE
W. M. DABBS
GEORGE A. HASLER
G. BETHELL HOLMES
ED^D. PAGET NUNN

Members of
the Board.



Board of
Works for the
Hackney
District.

RICHARD ELLIS,
Clerk to the Board.

The common seal of the Local Board of Health for the District of Tottenham in the county of Middlesex was hereunto affixed by order and resolution of the said Board in the presence of

EDWARD CROWNE,
Clerk to the said Local Board.



Tottenham
Local Board of
Health.