CHAP. c.

An Act for making Intercepting and Outfall Sewers for Brighton and certain neighbouring districts; and for other purposes. [4th July 1870.] A.D. 1870.

WHEREAS the discharge of the sewage of the town of Brighton in the county of Sussex and the adjoining districts or places of Cliftonville and Brunswick Square and Terrace into the sea, opposite the said town and places respectively, is found to be productive of nuisance and inconvenience, and it is expedient that all such sewage should be intercepted, and discharged into the sea at a distance from Brighton, and a place called Portobello, situated in the parish of Telscombe, is a convenient locality for the purpose of such discharge; and it is expedient that a line of sewers should be constructed from Cliftonville to Portobello, with an outfall at Portobello:

And whereas a plan and section of such sewers, showing the line and levels thereof respectively, and a book of reference to the said plan, containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands through which the same are intended to pass, or which may be taken for the purposes thereof, have been deposited with the clerk of the peace for the county of Sussex, and are herein-after respectively referred to as the deposited plan, section, and book of reference:

And whereas the said sewers could be made available for collecting and discharging the sewage of the village of Rottingdean and of other districts and places which now are or hereafter may be built upon in the line of the said sewers or in the neighbourhood thereof, and it is expedient that provision should be made for their adaptation to that purpose as occasion may require, and that the powers of making and maintaining the said sewers should be vested in a sewers board, consisting of members appointed by the local board of health for the district of Brighton (in this Act called "the Brighton Local Board"), the West Hove Improvement Commis-

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sioners (in this Act called the West Hove Commissioners), and the Brunswick Square and Terrace Commissioners:

And whereas it is expedient that provision should also be made for utilising the said sewage, and for the application thereof for irrigation and other purposes:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as "The Brighton Intercepting and Outfall Sewers Act, 1870."

Provisions of general Acts herein named incorporated.

2. The sections of "The Commissioners Clauses Act, 1847," with respect to the several matters following, that is to say, the qualification of commissioners (except sections 6, 7, and 8), the meetings and other proceedings of the commissioners, and their liabilities, the contracts to be entered into and the deeds to be executed by the commissioners, the liabilities of the commissioners, and legal proceedings by or against the commissioners, the appointment and accountability of officers of the commissioners, the mortgages to be executed by the commissioners, the accounts to be kept by the commissioners, the making of byelaws, and giving notices and orders; "The Lands Clauses Consolidation Act, 1845;" "The Lands Clauses Consolidation Acts Amendment Act, 1860;" "The Lands Clauses Consolidation Act, 1869;" the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the several matters following, that is to say, the construction of the railway and the works connected therewith, the temporary occupation of lands near the railway during the construction thereof, and the recovery of damages not specially provided for and of penalties, and to the determination of any other matter referred to justices; and sections 4, 13, 18, and 19 of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act, and the Acts and parts of Acts so incorporated are in this Act referred to as "the incorporated Acts."

Interpretation of expressions in general Acts.

3. In construing "The Commissioners Clauses Act, 1847," "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," for the purposes of this Act, the following words and expressions shall have the meanings hereby assigned them; that is to say, the expression "the commissioners," or "the

company," shall mean the sewers board constituted by this Act; the word "commissioner" shall mean member of such sewers board; and the word "railway" or "railways" shall mean "sewer" or "sewers."

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the sewers board" shall mean the Brighton Intercepting and Outfall Sewers Board constituted by this Act:

The expression "the sewers," or "the intercepting sewers," shall mean the sewers by this Act authorised, and shown on the deposited plans:

The expression "local authority" shall mean and apply only to the Brighton local board, the West Hove Commissioners, or the Brunswick Square and Terrace Commissioners, or any local board or body of commissioners who may hereafter under the provisions of this Act be admitted to participate in the benefits and liabilities thereof, as the case may require; and the expression "local authorities" shall mean and apply only to these local authorities, or any two or more of them, as the case may require:

The expression "The Public Health Acts" shall mean and include "The Public Health Act, 1848," "The Local Government Act, 1858," and the Acts passed subsequently thereto respectively and amending the same:

The expression "rateable value" means the rateable value of all property rateable to the poor rate, according to the poor rate assessment thereof for the time being, or if any valuation thereof in substitution for the poor rate assessment shall be made under and for the purposes of this Act, then according to such valuation:

The expression "superior court," or "courts of competent jurisdiction," or any other like expression in the incorporated Acts or this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Constitution of Brighton Sewers Board constituted for the first year.

5. Within two months after the passing of this Act, the Brighton local board shall at a meeting of their board appoint sixteen of their body, and the West Hove Commissioners shall at a meeting of their board appoint one of their body, and the Brunswick Square

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and Terrace Commissioners shall at a meeting of their board appoint four of their body, to be members of the sewers board, and the persons so appointed and their successors are hereby constituted a sewers board by the name of "The Brighton Intercepting and Outfall Sewers Board," for making and maintaining the sewers and works by this Act authorised, and for other the purposes of this Act, and by that name shall be incorporated, and have perpetual succession and a common seal, and all other incidents of a body corporate, and power to hold, sell, and dispose of land subject to the provisions of this Act.

Subsequent appointment of members of sewers board.

6. The Brighton local board, the West Hove Commissioners, and the Brunswick Square and Terrace Commissioners shall respectively at a meeting of their board to be held in the month of November next after the passing of this Act, or at some adjournment thereof, and at a meeting of their board to be held in the month of November in every subsequent year, or at some adjournment thereof, appoint from their body the number of members of the sewers board they are for the time being entitled to appoint, under the provisions of this Act, so that all the members of the sewers board shall be appointed annually, and after the first appointment, and until any new appointment is made by the Brighton local board, or, as the case may be, by the West Hove Commissioners, or by the Brunswick Square and Terrace Commissioners, the members last appointed by them shall continue in office.

Regulating number of members to be appointed by each local authority.

7. In and after the year one thousand eight hundred and seventy-one, each local authority shall be entitled to appoint one member of the sewers board in respect of every twenty-five thousand pounds of the rateable value of all property within their district rateable to the poor rate, fractions of twenty-five thousand pounds being reckoned as twenty-five thousand pounds.

No person to be member of the sewers board on behalf of more than one local authority.

8. No person, being a member of the sewers board by appointment from one of the local authorities, shall, so long as he continues a member by virtue of such appointment, be qualified to be also a member of the sewers board by appointment from another of the local authorities, and any such subsequent appointment shall be void; and if the same person shall be appointed a member of the sewers board by more than one of the local authorities at the same election, he shall elect under which appointment to serve, and the other appointment shall be deemed void.

Members to be disqualified on ceasing to be

9. If a member of the sewers board ceases to be a member of the local authority by whom he was appointed, he shall also cease to be a member of the sewers board, but such disqualification shall not

apply if he only goes out of office in rotation as a member of such local authority, and is re-elected at the same election.

members of the local authorities.

10. Every member of the sewers board going out of office shall, if otherwise duly qualified, be eligible immediately or at any future time for re-appointment, and every person re-appointed shall be deemed a new member.

Members going out of office eligible for re-appointment.

11. If any member of the sewers board die or resign, or be disqualified, or cease to be a member of the sewers board from any cause, the local authority by whom he was appointed may, if they think fit, at any time after the happening of such vacancy appoint another of their body a member of the sewers board in his place; and every member of the sewers board so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

Occasional vacancies.

12. Whenever an appointment of a member of the sewers board has been made, the clerk to the local authority by whom the appointment was made shall by writing under his hand certify the appointment to the sewers board, and shall forthwith transmit the certificate to the clerk to that board, unless the clerk of such local authority and the clerk of the sewers board shall be one and the same person.

Appointment of members to be certified to the sewers board.

13. The sewers board shall hold their first meeting at the town hall in Brighton on the first Monday after their appointment, at twelve o'clock at noon, and other meetings shall be held on such day, at such time, and at such place as they shall from time to time appoint.

First and other meetings of the sewers board.

14. In addition to the meetings to be held by appointment of the sewers board, the chairman of the sewers board for the time being, or any three members of the said board, may at any time, by writing addressed and sent to the clerk to the said board, require a special meeting to be convened, and the clerk shall convene a meeting accordingly.

Power to call special meetings.

15. The first meeting of the sewers board shall be convened by the town clerk of Brighton, and every subsequent meeting shall be convened by the clerk to the sewers board, and every meeting shall be convened by circular delivered to each member of the said board, or sent by post to or delivered at his residence two clear days at the least before the day of meeting, and every such circular may be in writing or print or partly in writing and partly in print.

As to convening meetings.

16. The number of members of the sewers board present to constitute a meeting of the board shall be seven.

Quorum.

Same person may be officer of sewers board and local authority.

17. Any person may at one and the same time be and continue to be both an officer of the sewers board and also an officer of any local authority.

Power to make sewers according to deposited plans.

18. Subject to the provisions of this Act and of the Acts wholly or partially incorporated herewith, the sewers board shall make and maintain, in the line and according to the levels shown on the deposited plan and section, the sewers herein-after described, or some or one of them, with all proper and convenient flaps, penstocks, inlets, chambers, filters, reservoirs, pumping apparatus, ventilating apparatus, flushing apparatus, connecting sewers, and other works, appliances, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for that purpose or for any of the purposes of this Act. The sewers herein-before referred to are the following:

(1.) A sewer (in this Act called intercepting sewer No. 1) to commence in the road leading from Brighton to Shoreham nearly opposite St. Aubyn's Villas, Cliftonville, in the parish of Hove in the county of Sussex, and to terminate south of the said road opposite the houses on the western side of Adelaide Crescent:

(2.) A sewer (in this Act called intercepting sewer No. 2) from and in continuation of intercepting sewer No. 1 to the western boundary of the parish of Brighton:

(3.) A sewer (in this Act called intercepting sewer No. 3) from and in continuation of intercepting sewer No. 2 to the sea below low-water mark, near and to the south-westward of the coast-guard station at Portobello in the parish of Telscombe in the county of Sussex.

Extension to Hove Street, if made by West Hove Commissioners, to be an intercepting sewer within meaning of Act.

19. If the West Hove Commissioners shall construct a sewer from intercepting sewer No. 1 to Hove Street, the sewers board shall repay to the West Hove Commissioners the costs and expenses incurred by them in and about the construction of such sewer and incidental thereto; and such sewer shall be an intercepting sewer within the meaning and for the purposes of this Act, as if the same had been specially authorised by this Act, and had been constructed by the sewers board under the powers thereof; and the expression in this Act "the commencement of intercepting sewer No. 1" shall in such case mean the commencement at Hove Street of the said sewer.

Sewers to be kept in repair, and well

20. From and at all times after the completion of the sewers by this Act authorised, the sewers board shall keep the same in good

repair and condition, and shall cause the same to be well and sufficiently flushed and ventilated.

flushed and ventilated.

21. The sewers board shall not, upon any lands for the time being within the jurisdiction of the West Hove Commissioners, or within three hundred yards from any such lands, construct any work which may in anywise be deemed a nuisance to the inhabitants within the said jurisdiction, nor, without the consent of those Commissioners in writing first obtained, any work in the nature of a cesspool, nor any apparatus for the purpose of pumping up sewage: Provided always, that if the West Hove Commissioners shall, in the opinion of the sewers board, unreasonably withhold their consent, the matter shall be decided as by this Act provided for the settlement of disputes between the sewers board and any local authority: Provided also, that nothing in this section shall restrict or affect the operation of section forty-eight of this Act, which provides that nothing in the Act shall exempt the sewers board from liability to proceedings for nuisance.

Prohibition of works offensive to inhabitants of Cliftonville.

22. Subject to the provision herein-after contained, the sewers board may from time to time, by agreement, purchase or hold on lease any lands adjoining or near to any of the sewers by this Act authorised, for any of the purposes of this Act, and may from time to time sell or let any such lands, upon such terms and conditions as they think fit: Provided always, that no greater quantity of land than five acres in the whole shall under this section be purchased by the sewers board, except for the purpose of utilizing thereon sewage, either in a liquid, solid, or manufactured state, and that no land whatever shall be held on lease by the sewers board except for the last-mentioned purpose.

Power to purchase, &c. land by agreement for certain purposes.

23. The sewers board from time to time may, by agreement, purchase any easement, right, power, or privilege of constructing, maintaining, and from time to time of diverting, altering, reconstructing, enlarging, cleansing, or repairing any conduit, culvert, drain, aqueduct, watercourse, or other work, or any right of way or other right in, through, under, over, upon, or affecting any lands which they may think requisite for any of the purposes of this Act.

Power to purchase easements.

24. The persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey lands shall have full power to make to the sewers board grants of any such easements, rights, powers, or privileges as aforesaid; and the consideration for any such grant may be either a sum in gross or a perpetual annual rentcharge; and the sewers board may secure any such rentcharge

Grants of easements by incapacitated persons.

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by all usual and proper powers of distress or otherwise; and the provisions of the said Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the sale of lands, shall extend and be applicable in the case of any such grants under this Act; and the amount of any such rentcharge shall not be less than the best yearly rent that can be reasonably had or gotten for such right, easement, power, or privilege.

Powers for compulsory purchases limited.

25. The powers of the sewers board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

26. The sewers shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the sewers board for executing the sewers or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Sewers crossing the intercepting sewers to be led into the intercepting sewers.

27. When the intercepting sewers are completed and ready for use, the local authorities as to all outfalls into the sea within their respective jurisdictions, and the sewers board as to all outfalls into the sea not within the jurisdiction of a local authority, shall alter all such outfalls then in existence in such manner as to adapt the same for storm-water outfalls only, and so as to divert the sewage therefrom as far as may be into the intercepting sewers, and the sewers board shall lead into the intercepting sewers all sewers except the storm-water sewers which cross the line of the intercepting sewers at any point within the parishes of Hove, Brighton, or Rottingdean, so that the same respectively shall discharge their sewage into the intercepting sewers, and shall at their own expense execute all necessary works for that purpose.

No sewer to be constructed across the intercepting sewers to be discharged into the sea.

28. After the construction of the intercepting sewers, it shall not be lawful for any local board or other public body, or for any private person, to construct any sewer across the line of the intercepting sewers at any point within the parishes of Hove, Brighton, or Rottingdean, for the purpose of conveying sewage matter into the sea from any lands or buildings lying north of the intercepting sewers; but nothing herein shall be held or construed to prohibit the construction at any time hereafter of any storm-water sewers or outfalls which may be found necessary.

Sewers board to divert into the intercepting sewers the sewage from premises

29. And as regards the buildings in the parish of Hove lying to the south of the intercepting sewers, be it enacted, that when the intercepting sewers are completed and ready for use, the sewers board shall effectually divert into the intercepting sewers all sewage from such buildings, and may, in, through, and along any public road,

street, or place, and in, through, and along any lands belonging to them or in which they may have acquired a right or easement for the purpose, construct such new sewers and other works as may be necessary for effecting such discharge; and as and when such new sewers and works are completed so that the sewage diverted is begun to be discharged into the intercepting sewers, the sewers board shall stop up the old sewers, so far as may be necessary to prevent the passage along the same into the sea of the sewage from such premises, and shall execute such works, and alter and raise to such level as may be necessary for the aforesaid purposes all water-closets, sinks, and house drains in and from any existing building the sewage from which cannot otherwise be conveyed into the intercepting sewers, provided that the West Hove Commissioners shall have procured the consent of all parties whose consent may be necessary; all which works shall be done to the reasonable satisfaction of the West Hove Commissioners; or if the West Hove Commissioners and the sewers board shall so agree, the West Hove Commissioners may themselves execute any of the said works, and the sewers board shall repay to the West Hove Commissioners the costs, damages, and expenses of and incident to such works: Provided always, that the sewers board shall make to the owners and occupiers of and all other parties interested in any buildings reasonable compensation for all damage, if any, sustained by such owners, occupiers, and other parties by reason of the exercise, as regards such buildings, of the powers by this section granted, of the amount of such compensation to be ascertained and determined in the manner provided by "The Lands Clauses Consolidation Act, 1845," for determining questions of compensation with regard to lands purchased or taken under the provisions thereof.

lying south of intercepting sewers.

Future buildings in Hove, south of the intercepting sewers, to be made so as to sewer into intercepting sewers.

30. All buildings which after the passing of this Act shall be erected on any land in the parish of Hove lying to the south of the intercepting sewers shall be so constructed as that all sewage from the same shall be capable of being drained into the intercepting sewers.

Sewage board may make agreements for preventing discharge of sewage into the sea from premises lying south of the intercepting sewers.

31. The sewers board may from time to time make such agreements or arrangements as they think fit with any local board or other public body having the control of the streets, roads, or thoroughfares, and with any persons, for preventing the sewage from any buildings or premises lying south of the intercepting sewers from being discharged into the sea, and for the conveyance of any such sewage into the intercepting sewers, and may execute all such works as may be necessary for carrying any such agreement or arrangement into effect.

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Prohibiting discharge of sewage into the sea.

32. From and after the respective times herein-after mentioned, it shall not be lawful for any local board or other public body, or for any private person, by means of any sewer, pipe, drain, or other contrivance, to cause or permit or suffer any sewage matter to flow or pass directly or indirectly from any buildings or premises, as herein-after described, into the sea, between the commencement of intercepting sewer No. 1 and the eastern extremity of the parish of Rottingdean; that is to say,

From any building not now erected, and which shall not have been commenced at the time of the passing of this Act, on land lying to the south of the intercepting sewers, from and after the time when the intercepting sewers shall have commenced the discharge of sewage into the sea:

From any building or premises lying to the south of the intercepting sewers the sewage from which shall be diverted or discharged into the intercepting sewers, from and after the time when such diversion or discharge shall have commenced:

From any buildings or premises lying to the north of the intercepting sewers, from and after the time when the sewers crossing the line of the intercepting sewers shall have been diverted and commenced discharging their contents into the intercepting sewers.

And every local board or other public body or private person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding fifty pounds, and a further sum of twenty pounds for every day such offence shall continue after notice from the sewers board shall have been given to the party offending, requiring them or him to discontinue the offence; and such sums shall be recoverable by the sewers board, with full costs of suit, in any court of competent jurisdiction.

Sewers board to destroy sewers, &c. constructed contrary to Act, and recover expenses from parties constructing them, &c.

33. The sewers board may and is hereby authorised and required to stop up, remove, or destroy all sewers, pipes, drains, and other works which shall be constructed or laid down, and whereby any sewage matter is conveyed or discharged into the sea, contrary to the provisions of this Act; and all costs and expenses incurred by the sewers board in and about such stopping up, removal, or destruction, with full costs of suit, may be recovered by the sewers board from the local board or other public body or private person who shall have caused the same to be constructed or laid down, or who, having the property in or the power and control over the same, and having been by notice in writing from the sewers board required to stop up, remove, or destroy the same, shall for a space of two weeks after the receipt of such notice refuse or neglect to do so; and the amount of

such costs and expenses shall be in addition to any penalty which such local board, public body, or person may have incurred under the provisions of this Act for causing or permitting or suffering sewage matter to pass or flow directly or indirectly into the sea by means of such sewer, pipe, drain, or other work.

Existing outfall sewers, which will become unnecessary, to be removed.

34. As soon as any existing outfall sewer has become unnecessary, in consequence of the construction of the works by this Act authorised, the local authority within whose district the same shall be shall, at the expense of the sewers board, remove so much thereof as is situate on, in, over, through, or across tidal land, and restore the site thereof to its former condition; and if the local authority make default therein for a period of one month after the outfall sewer has become unnecessary, the 18th section of "The Railways Clauses Act, 1863," shall extend and be applicable to such outfall sewer, as if the same had been constructed under the powers of this Act, and had been abandoned or suffered to fall into decay; but this enactment shall not extend to any outfall sewer which will be retained as or converted into a storm-water sewer, so long as it shall be in use for that purpose, and be not suffered to fall into decay.

Sewers board to grant licenses for use of intercepting sewers.

35. The sewers board shall from time to time grant to any local or parochial board or officers, or other local or parochial authority for the time being, in the parishes of Hove, Rottingdean, and Telscombe, or any of them, or to the owner, lessee, or occupier of any dwelling-house or other building or of any land upon which buildings are in the course of erection, or which may at any time hereafter be erected in those parishes, or any of them, and who shall be desirous to use the sewers by this Act authorised, or any of them, for the discharge of any sewage or refuse matter, license to use the said sewers accordingly, and the sewers board shall, at the expense of the board, authority, or person requiring the license, make the necessary openings and execute the necessary works in and about the said sewers for giving effect to such license, and the consideration for such grant may be a sum in gross or an annual rent or payment towards the maintenance, or, in the case of the parish of Hove, towards the construction and maintenance of the whole, or, as the case may be, of such part of the said sewers as such bodies or persons shall respectively use, or otherwise as the parties agree, or if the parties do not agree with respect to any such matters, or with respect to the amount of consideration, the matter or matters in dispute shall be settled in like manner as cases of disputed compensation may be settled under the provisions of "The Lands Clauses Consolidation Act, 1845."

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Sewers board to be compensated for admitting sewage from places beyond the limits of local authorities.

36. Except as by this Act otherwise expressly provided, the sewers board shall not be bound to admit into the intercepting sewers any sewage from places lying beyond the limits of the local authorities, unless the public body or persons desirous of making use of the intercepting sewers as an outfall for such sewage shall pay to the sewers board compensation, either by a sum in gross or an annual payment, for such use of the intercepting sewers, in addition to any compensation which they may be required to pay to any local authority or other body or person having the property in or control over any sewers which may have to be used for the passage of such sewage between the places aforesaid and the intercepting sewers, the nature and amount of compensation, in case of dispute, to be settled by arbitration in the same manner as is by this Act provided for the settlement of other disputes by arbitration.

Sewage from outlying places not to be brought into intercepting sewers until agreement for compensation has been made with sewers board.

37. Notwithstanding the provisions of the 47th section of "The Public Health Act, 1848," no owner or occupier of premises adjoining or near to but beyond the limits of the district of any local authority making use of the intercepting sewers or either of them shall cause any sewer or drain of or from such premises to communicate with any sewer of the local authority of any such district, by means whereof the sewage of such outlying premises may be brought into the intercepting sewers or either of them, unless such owner or occupier shall have previously entered into an agreement with the sewers board for the admission of the sewage from the said premises into the intercepting sewers, and for the payment to the sewers board of compensation, either by a sum in gross or an annual payment, for such use of the intercepting sewers as provided in the next preceding section of this Act.

No sewage from outlying places to pass into intercepting sewers, except from premises to which agreement or award refers.

38. Except as may be expressly provided in or by any agreement or award which may be entered into or made under this Act, no sewage shall be allowed to pass directly or indirectly into the intercepting sewers or any of them by virtue of such agreement or award other than and except such as arises upon the premises to which the agreement or award refers, unless and until the amount of compensation to be paid to the sewers board by the owner or occupier of the premises whence such additional sewage shall come shall be ascertained and settled by arbitration in the same manner as is by this Act provided for the settlement of other disputes by arbitration.

General powers of sewers board with

39. Subject to the provisions of this Act, the sewers board may, in or upon any land which they may acquire under the powers of this Act, or any land which they may purchase by agreement or hold

on lease, construct any buildings, machinery, and apparatus for preparing or converting sewage into manure or into any saleable product, and may by the adoption of such processes as they from time to time think fit prepare and convert the same accordingly, and may sell and dispose of the manure and products, and until the sale and disposal thereof may store the same in proper depôts or places upon such land.

respect to the disposal of the sewage.

40. Subject to the provisions of this Act, the sewers board from time to time may, under any agreement with the owners or occupiers of any lands, supply to such owners and occupiers respectively sewage for the irrigation and fertilization of such lands.

Power to use and supply sewage for irrigating lands.

41. For the purpose of drawing off or supplying sewage for the irrigation of lands under this Act, the sewers board may, subject to the provisions of this Act, make all necessary openings in their sewers, and construct, execute, lay down, and maintain, and from time to time renew, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper, in, through, under, over, or upon any lands belonging or let to the sewers board, or where the sewers board have a right or easement, or in, through, under, over, or upon any other lands, with the consent of the owners, lessees, and occupiers thereof, and also all such culverts, pipes, or covered drains under any public road or highway through, under, or near which any of the said sewers pass, as they may find to be necessary in order to form a communication between the sewer and the works and apparatus to be constructed, executed, and laid down by them as aforesaid.

Power to execute works for irrigation purposes.

42. Before any public road shall be opened or broken up by the sewers board, they shall give to the persons under whose control or management such road may be, or their clerk or surveyor, notice in writing of their intention to open or break up the same three days at least before the commencement of such operation.

Notice to be served before breaking up public roads.

43. Every such road shall be opened or broken up under the superintendence of the persons so having the control or management of the same as aforesaid, or their officer, if such persons or their officer chose to attend, and according to such plan, as to the depth, course, or direction of culvert, pipe, or drain, as shall be submitted by the sewers board to and shall be agreed upon between such persons or their officer and the sewers board, or in case of any difference respecting such plan, then according to such plan as shall be determined by an engineer to be appointed by the Board of Trade, and such engineer shall determine the plan according to which such road shall be opened or broken up; provided that three days notice of the

Roads to be broken up under superintendence.

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time and place at which such determination is to be made shall be proved to have been served by the sewers board on the persons having the control or management of the road proposed to be broken up, or their clerk or surveyor.

Roads broken up to be reinstated without delay.

44. When the surface or soil of any public road shall be opened or broken up by the sewers board, they shall with all convenient speed complete the work on account of which the same shall be broken up, and fill in the ground and make good the surface or soil so opened or broken up, and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such surface or soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the part of the said surface or soil so broken up or opened a sufficient light during every night during which such surface or soil shall be continued open or broken up.

Penalty for delay in re-instating roads.

45. If the sewers board shall fail to give such notice of intention to break up any public road as herein-before required, or shall break up any such road without having given such notice, or before such plan has been agreed upon or determined as herein-before provided, or contrary in any respect to such plan, or shall make any delay in completing any such work, or in filling in the ground or making good the surface so opened or broken up, or in carrying away the rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the place where such surface shall have been broken up, they shall forfeit a sum not exceeding five pounds for every such offence, and a further sum not exceeding five pounds for each day during which such delay shall continue.

In case of delay, other parties may reinstate, and recover the expenses.

46. If any such delay as aforesaid shall take place, the persons having the control or management of the public road in respect of which such delay shall take place may cause the matter or thing so delayed to be done, and the expense of doing the same, together with the costs of recovering such expense, may be recovered from the sewers board by action or otherwise, and the money so recovered shall be applied by the persons having the control and management of the road for the purposes of the same.

Board may contract for supply of sewage to companies, &c.

47. The sewers board may from time to time enter into contracts or agreements with any company or person for supplying to such company or person any sewage, to be by such company or person used for purposes of irrigation, or for being prepared or converted into manure or any other products, upon such terms and conditions as may be agreed upon between the sewers board and such company or person.

Nothing in Act to exempt sewers board, &c. from liability to proceedings for nuisance, &c.

48. Nothing in this Act shall exonerate the sewers board or any such company or person as aforesaid from any indictment, action, or other proceeding for nuisance or damage in the event of any nuisance being caused by them or any of them in preparing or converting into manure or other products, conveying or disposing of the sewage or refuse from sewers, or in the storage of any manure or products manufactured from sewage, or in any other manner, or of any damage occurring from the want of repair of any of the works of the said board or of such company or person.

Penalty for opening or injuring sewers.

49. Every person who without the license of the sewers board shall make any opening into any of the sewers by this Act authorised, or who shall destroy or injure any of the said sewers or any of the works of the sewers board, shall for every such offence be liable to a penalty not exceeding fifty pounds, over and above the damage occasioned by his act, and the amount of such penalty and damage shall be recoverable, with full costs of suit, in any court of competent jurisdiction.

Chemical refuse and other injurious matter not to be allowed to pass into the sewers.

50. It shall not be lawful for any body corporate or person to throw or to permit or suffer to be thrown or to pass into any of the intercepting sewers any refuse matter from chemical works, or other substance which would be injurious to the construction of the sewers, or produce corrosion or decay in the materials thereof, or generated poisonous or pernicious gases; and every body corporate or person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding fifty pounds, to be recoverable by the sewers board, with full costs of suit, in any court of competent jurisdiction, but this enactment shall not be construed to extend to fœcal matter.

Power for sewers board to borrow on mortgage.

51. In order to provide the necessary funds for defraying the costs of constructing the sewers and works by this Act authorised, including the purchase of lands, the applying for and obtaining this Act, and all expenses incidental thereto, the sewers board may from time to time borrow at interest on mortgage of the sewers by this Act authorised, and all lands and property for the time being of the sewers board under this Act, and all contributions, rates, rates and moneys, coming to the sewers board under this Act, such sum or sums of money as they from time to time think fit, not exceeding in the whole one hundred and twenty thousand pounds; and every such mortgage, and every transfer thereof, may respectively be in the form in the schedule to this Act annexed, or to the like effect.

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Re-borrowing.

52. If, having borrowed any money under the provisions of this Act, the sewers board pay off the same or any part thereof, they may (unless the money borrowed was repaid out of the sinking fund) re-borrow the amount paid off, and so from time to time.

Sinking fund.

53. The sum to be set apart yearly by the sewers board as a sinking fund shall be of such amount as will secure the repayment of the money borrowed, together with the interest thereon, by equal annual instalments, in the course of fifty years from the period of each advance; and every sum so set apart may be applied either in paying off mortgages granted under the provisions of this Act, or in being invested and disposed of as provided by "The Commissioners Clauses Act, 1847," or partly in one way and partly in the other; and all mortgages paid out of any such instalments shall for the purposes of this Act be deemed to have been paid off out of the sinking fund.

Arrears may be enforced by appointment of a receiver.

54. The mortgagees of the sewers board under this Act may enforce the payment of arrears of interest, or of principal and interest, due to them by the appointment of a receiver, and the amount of principal, or principal and interest, in arrear to authorise the appointment of a receiver shall be ten thousand pounds.

Application of moneys borrowed.

55. All moneys from time to time borrowed by the sewers board under this Act shall be applied only in payment of the costs of constructing the sewers and works by this Act authorised, including the purchase of lands, the applying for and obtaining this Act, and all expenses incident thereto.

Expenses of carrying Act into execution to be borne by the local authorities in certain proportions.

56. The instalments for the sinking fund and interest upon mortgages granted by the sewers board under the powers of this Act, and all costs and expenses incurred by the sewers board in carrying this Act into execution, shall be borne by the local authorities, and (except as by this Act otherwise provided) in the proportions following; that is to say, the amount to be borne by any one of the local authorities shall bear the same proportion to the amount to be borne by the other two local authorities as the rateable value for the time being of all property within the district of that one local authority bears to the rateable value for the time being of all property within the districts of the other two local authorities; and the proportionate amount to be borne by each of the local authorities shall from time to time be paid to the sewers board by annual contributions, as in this Act provided.

Limiting expenses of sewers board.

57. In carrying this Act into execution, the sewers board shall not in any year incur any expenditure beyond the cost of con-

structing the sewers or incidental thereto, and keeping and maintaining the same in good working order and condition, without the sanction and authority of all the local authorities, to be signified by resolutions passed at meetings of their respective boards, and transmitted to the sewers board: Provided always, that if any one or two of the local authorities shall by any such resolution or resolutions authorise the sewers board to execute any particular work or enter into particular contract within the powers of this Act, and the other local authority or local authorities shall withhold their authority, the sewers board may execute the work or enter into the contract, and every such work or contract is in this Act referred to as a special work or a special contract, but the local authority or local authorities who shall have authorised the work or contract shall alone bear all the costs and expenses which may be thereby incurred, and be entitled to all the profits which may be derived therefrom, and the amount thereof shall be divisible between them (if more than one) in the proportions which their respective shares in the cost of constructing the sewers bear to one another.

Annual estimate of expenditure to be made by sewers board.

58. In the month of August in every year the sewers board shall make an estimate of the amount of their probable expenditure for the year then ensuing, and such estimate shall include the deficiency (if any) in the funds of the sewers board for the past year to meet the expenditure for that year, and the amounts which will be required for payment of interest upon mortgages and for the sinking fund, and for all contemplated expenditure not chargeable to capital account, and current expenses of the said board; and there shall be deducted from the amount of such estimate the balance (if any) of funds of the said board for the year then past which shall remain after payment of their expenditure for that year; but the estimate shall not include the costs and expenses of any special work or special contract under this Act, or the profits derived from any such special work or special contract.

For ascertaining the amount of contributions by the local authorities.

59. The amount of the estimate shall be divided and apportioned amongst the local authorities in the proportions in which they are by this Act required to bear the costs and expenses incurred by the sewers board in carrying this Act into execution; and there shall be added to the share of the amount of such estimate of any local authority the costs and expenses, or share of costs and expenses, for which such local authority is liable in respect of any special work or special contract under this Act, and there shall be deducted the amount or share of profits derived from any such special work or special contract to which such local authority is entitled under this Act, and the balance shall be the amount which such local

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authority is by this Act required to contribute to the sewers board for the year then ensuing, and is in this Act referred to as the contribution of such local authority.

Sewers board to make requisition to local authorities for contributions.

60. The sewers board may by writing under the hands of not less than five of their members, and countersigned by their clerk request payment of any contribution for the time being due from any local authority, and such requisition shall be transmitted by the clerk to the sewers board to such local authority, who shall within three months after the receipt of such requisition pay the amount of the contribution to the treasurer of the sewers board, and the receipt of such treasurer shall be a sufficient discharge for the same.

As to keeping accounts.

61. The sewers board shall keep all such accounts as may from time to time be deemed necessary by the auditors for elucidating all the monetary transactions of the board in carrying the provisions of this Act into effect, and especially shall keep the following accounts; that is to say,

(1.) A sewers account, which shall show the sums from time to time expended by the sewers board in and about the construction of the sewers, and which are properly chargeable to capital account, and all sums received by mortgage under the provisions of this Act:

(2.) A general account, which shall show the sums from time to time expended by the sewers board, and not properly chargeable to capital account, and all the sums received from rates upon dwelling-houses and manufactories beyond the districts of the local authorities, and grants of licenses to use the sewers, or by sale of sewage for irrigation or other purposes or of manure or products manufactured from sewage or otherwise under the provisions of this Act:

(3.) A separate account of expenditure and receipts with respect to each special work or special contract:

(4, 5, 6.) A separate account with each local authority, showing the proportions of expenditure and profit for or to which the local authority is liable or entitled:

And all such accounts shall be open at all reasonable times to the inspection of any person or persons appointed by any local authority for the purpose.

Appointment of auditors.

62. There shall be three auditors of the sewers board, of whom one shall be appointed by the Brighton Local Board, and one by the West Hove Commissioners, and one by the Brunswick Square and Terrace Commissioners; and if more than one local authority shall

appoint the same person, that person shall elect for which of the local authorities who shall so have appointed him he will act as auditor, and the other local authority or each of the other local authorities (as the case may be) shall appoint another auditor.

Their remuneration and expenses.

63. remuneration of each auditor shall be fixed by the local au[illegible]by whom he is appointed, and shall be charged in the sep[illegible]t of such loc[illegible]uthority, but the expenses of the auditors shall be payable and charged as expe[illegible]urred by the sewers board in carrying this Act into execution.

Accounts to be balanced and audited half-yearly.

64. The accounts shall be made up, balanced, and audited half-yearly, and a balance sheet, showing the financial state of the sewers board at the expiration of the half year, and the total amount of their receipts, expenditure, credits, debts, and liabilities, shall also be made out, and the said accounts and balance sheet (if found correct) shall be allowed and signed by the auditors or such of them as are satisfied with the correctness thereof; and such auditors, or any one or more of them, may, if and whenever they or he think fit, make a special report or several special reports in relation to the said accounts and balance sheet, or any of them: Provided always, that the separate account of each local authority shall be audited, allowed, and signed only by the auditor appointed by the local authority to whom the separate account relates.

Copy of accounts to be sent to local authorities.

65. A copy of all the accounts as audited, and of the reports (if any) of the auditors thereon, shall forthwith be transmitted to each local authority.

Power for Brighton Local Board to levy rates.

66. In order to defray the expenses to which the Brighton Local Board is or may be subject under this Act, the said local board may from time to time, as often as occasion may require, and according to the powers, provisions, and restrictions (except restrictions as to amount of rate) of the Public Health Acts, make and levy a rate, to be called "intercepting and outfall sewers rate," upon the owners and occupiers of all kinds of property within their district for the time being assessable under the Public Health Acts to the general district rate.

Provision as to general district rates to apply to intercepting and outfall sewers rates.

67. The several powers and provisions of the Public Health Acts with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemption and limitations (but not restrictions as to amount of rate), shall extend and apply to all rates to be levied by the Brighton Local Board under this Act.

Rates may be collected with general

68. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any intercepting and outfall sewers

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district rates.

rate under this Act, the local board may include the same in any general district rate under the Public Health Acts, and may make, levy, collect, and recover the same as part of any general district rate.

Amount of rate to include expenses of recovering it.

69. The amount of any intercepting and outfall sewers rate to be levied by the Brighton Local Board under this Act may, if the said local board think fit, be such an amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Not to affect power of local board under Public Health Acts.

70. Nothing in this Act contained shall take away, prejudice, or affect the powers of the Brighton Local Board under the Public Health Acts of making any general district, water, highway, or other rates for the purposes of those Acts or any of them.

Power for West Hove Commissioners to levy rates.

71. In order to defray the expenses to which the West Hove Commissioners are or may be subject under this Act, the said commissioners may from time to time, as often as occasion may require, and according to the powers, provisions, and restrictions (except restrictions as to amount of rate) under and subject to which they may make and levy any improvement rate within their district, make and levy a rate, to be called "intercepting and outfall sewers rate," upon the owners and occupiers of all kinds of property within their district for the time being assessable to the improvement rate.

Provision as to general district rates to apply to intercepting and outfall sewers.

72. The several powers and provisions applicable to the West Hove Commissioners with respect to the making, levying, collection, and recovery of improvement rates within their district, and with respect to exemptions and limitations (but not restrictions as to amount of rate), shall extend and apply to all rates to be levied by the said commissioners under this Act.

Rates may be collected with improvement rates.

73. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any intercepting and outfall sewers rate under this Act, the West Hove Commissioners may include the same in any improvement rate leviable by them within their district, and may make, levy, collect, and recover the same as part of any improvement rate.

Amount of rate to include expenses of recovering it.

74. The amount of any intercepting and outfall sewers rate to be levied by the West Hove Commissioners under this Act may, if the said commissioners think fit, be such an amount as in their judgment will be sufficient to raise or discharge, not only the sum in

respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Not to affect powers of commissioners to levy other rates.

75. Nothing in this Act contained shall take away, prejudice, or affect the powers of the West Hove Improvement Commissioners of making any improvement or other rates for the purposes of any Act or Acts relating to the said commissioners.

Power for Brunswick Square and Terrace Commissioners to levy rates.

76. In order to defray the expenses to which the Brunswick Square and Terrace Commissioners are or may be subject under this Act, the said commissioners may from time to time, as often as occasion may require, and according to the powers, provisions, and restrictions (except restrictions as to amount of rate) under and subject to which they may make and levy any improvement rate within their district, make and levy a rate, to be called "intercepting and outfall sewers rate," upon the owners and occupiers of all kinds of property within their district for the time being assessable to the improvement rate.

Provisions as to improvement rates to apply to intercepting and outfall rates.

77. The several powers and provisions applicable to the Brunswick Square and Terrace Commissioners with respect to the making, levying, collection, and recovery of improvement rates within their district, and with respect to exemptions and limitations (but not restrictions as to amount of rate), shall extend and apply to all rates to be levied by the said commissioners under this Act.

Rates may be collected with improvement rates.

78. For the purpose of diminishing the expenses of assessing, making, levying, and collecting any intercepting and outfall sewers rate under this Act, the Brunswick Square and Terrace Commissioners may include the same in any improvement rate leviable by them within their district, and may make, levy, collect, and recover the same as part of any improvement rate.

Amount of rate to include expenses of recovering it.

79. The amount of any intercepting and outfall sewers rate to be levied by the Brunswick Square and Terrace Commissioners under this Act may, if they think fit, be such an amount as in their judgment will be sufficient to raise or discharge not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Not to affect powers of commissioners to levy other rates.

80. Nothing in this Act contained shall take away, prejudice, or affect the powers of the Brunswick Square and Terrace Commissioners of making any improvement or other rates for the purposes of any Act or Acts relating to the said commissioners.

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Any local authority may enforce new valuation by application to quarter sessions.

81. If at any time any of the local authorities consider that the poor-rate assessment, or any valuation substituted for the poor-rate assessment, under the provisions of this Act, is not a fair criterion of the value of property in the several districts of the local authorities, or in any of them, for the purposes of this Act, such local authority may serve notice in writing upon the other local authorities of their intention to apply to the court of quarter sessions for the borough of Brighton for a new valuation of the property in such districts or any of them, and such notice shall specify the session of the court at which the application is intended to be made, and shall be served by delivery to the clerk to the local authority intended to be served thereby, or left at his office, seven days at the least before the commencement of such session; and at such session the court, on the application of the local authority, and after hearing the other local authorities, if they appear and desire to be heard, may cause a valuation to be made by a competent person to be appointed by the court of all the property rateable to the poor rate in all or any of the districts of the local boards, or may refuse to cause any valuation to be made, as they shall think fit, and the costs of the application shall be at the discretion of the court.

Local authorities may by agreement cause new valuations to be made.

82. The local authorities may at any time, if they all agree, cause a valuation to be made of all the property rateable to the poor in all or any of their districts, and cause the same to be adopted for all the purposes of this Act, in substitution for the poor-rate assessment for the districts or district to which such valuation relates; and they may, if they all agree, supersede any valuation for the time being in force, and adopt another valuation or the poor-rate assessment for all or any of their districts, and so from time to time.

Person appointed a valuer to make a declaration before acting.

83. Before any valuation under this Act shall be made, whether under an order of the court of quarter session, or by agreement of the local authorities, the person appointed to make it shall make and subscribe a solemn declaration that he will make such valuation fairly and impartially, according to the best of his judgment; and any justice to whom application is made for that purpose shall administer such declaration, and an entry or minute of the making and subscribing of such declaration, and of the date thereof, shall be made in the book of proceedings of each of the local boards and of the sewers board.

Property to be valued according to Parochial Assessment Acts.

84. In every valuation to be made under this Act the property to be valued shall be computed at its net annual value as defined by any Act or Acts for the time being in force for regulating parochial assessment.

Valuations to be delivered to sewers board, and adopted by them.

85. Every valuation made under or pursuant to the provisions of this Act shall be delivered to the sewers board, and after such delivery shall, subject to the provisions of this Act, be used and adopted by them for all the purposes of this Act, in substitution for the poor-rate assessment, or for any former valuation of the property in the district or districts to which the valuation relates.

Valuation to be in force for three years at the least, unless superseded by agreement.

86. No valuation made under the provisions of this Act, whether by agreement amongst the local authorities or by order of the court of quarter sessions, and which, for the purposes of this Act, shall be substituted for the poor-rate assessment in all or any of the districts of the local authorities, shall be superseded by any other valuation, or by the adoption again of the poor-rate assessment (except by agreement of all the local authorities,) until the expiration of three years at the least after it has been in force.

Sewers board may levy intercepting and outfall sewers rates on certain dwelling-houses and manufactories.

87. With respect to that part of the parish of Hove which is not for the time being within the district of any local authority, the sewers board may from time to time, as often as occasion may require, and according to the powers, provisions, and restrictions (except restrictions as to the amount of rate) of the Public Health Acts, make and levy an intercepting and outfall sewers rate upon the owner and occupier of every dwelling-house or manufactory situate within two hundred yards of any of the sewers by this Act authorised, or of any other sewer or drain connected with the sewers by this Act authorised, but the total amount to be so levied with respect to any such dwelling-house or manufactory in any one year shall not exceed one shilling in the pound of the rateable value thereof according to the poor-law assessment for the time being.

Provisions as to general district rates to apply to intercepting and outfall sewers rates.

88. The several powers and provisions of the Public Health Acts with respect to the making, levying, collection, and recovery of general district rates, and with respect to exemption and limitations, (but not restrictions as to amount of rate,) shall extend and apply to all intercepting and outfall sewers rates to be levied by the sewers board under this Act.

Amount of rate to include expenses of recovering it.

89. The amount of any intercepting and outfall sewers rate to be levied by the sewers board under this Act may, if the board think fit, be such an amount as in their judgment will be sufficient to raise or discharge, not only the sum in respect of which the rate is made, but also such a sum as will meet the expenses, or what is in their judgment a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

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Parties rated may require use of the sewers.

90. Provided always, that the owner or occupier of any dwelling-house or manufactory liable for and paying intercepting and outfall sewers rates to the sewers board may require the board to allow the sewage from such house or manufactory to be conveyed into the sewers by this Act authorised, and the board shall permit the same accordingly, and shall cause all necessary openings and works in and about the sewers to be made and executed for that purpose.

Providing for admission of local boards as hereafter to be constituted to benefits of the Act.

91. If at any time after the passing of this Act any local board or body of commissioners shall be constituted for any district in which any part of the sewers by this Act authorised will be situate, having powers with respect to the sewerage or drainage of such district, and to levy a general district rate or improvement rate or other like rate within such district, every such local board or body of commissioners so constituted shall be at liberty, if they think fit, by notice in writing to the sewers board, delivered to the clerk or left at his office, to participate in the benefits and liabilities of this Act; and at a meeting of such local board or body of commissioners to be held within three months next after the service of such notice, or at some adjournment thereof, the said local board or commissioners may appoint from their body one person in respect of every twenty-five thousand pounds of the rateable value of all property within their district rateable to the poor rate, fractions of twenty-five thousand pounds beyond the first twenty-five thousand pounds being reckoned as twenty-five thousand pounds, and the persons so appointed shall be members of the sewers board, and thenceforth such local board or commissioners shall be a local authority within the meaning of this Act, and all the provisions of this Act shall thenceforth be applicable to them and to their district in like manner in all respects as they are applicable to any other of the local authorities and their district, and so that they shall thenceforth as such local authorities bear their proportion of the costs incurred in constructing the sewers by this Act authorised, and the other expenses of carrying this Act into execution, and be entitled to their share of the benefits, pecuniary and otherwise, arising under this Act, and so that they shall have power to levy intercepting and outfall sewers rates within their district, and all other powers, rights, and privileges of a local authority under this Act.

Rents for licenses to use sewers to cease when property included in district of

92. All annual sums payable for licenses to use the sewers by this Act authorised granted with respect to any property shall cease to be payable as from the time when such property shall first become liable to the payment of an intercepting and outfall sewers rate under the provisions of this Act, but without prejudice to any arrears

which may be then due, and the rights and remedies of the sewers board to enforce payment thereof.

a local authority.

For settlement of disputes between sewers board and local authorities.

93. Any dispute which may from time to time arise between the sewers board and any local authority with respect to carrying into effect the provisions of this Act or incidental thereto may, at the instance of either party, be referred to the judge for the time being of the Sussex County Court, who shall hear and determine such dispute, but he may, if he thinks fit, in the first instance, appoint a competent person to make such examinations and inquiries as he shall direct, and to report to him thereon, and the costs, including the costs of all such examinations and inquiries, shall be at the discretion of the said judge, and his decision shall be final and conclusive.

When day for meeting, &c. falls on a Sunday, &c.

94. Whenever the day on which by this Act any meeting is required to be held or anything is required to be done falls on a Sunday or Christmas Day or Good Friday, the meeting shall be held or the thing done on the day following.

Saving rights of the Crown.

95. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the sewers board to take, use, or in any manner interfere with any land or hereditaments, or any rights, of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such commissioners are hereby respectively authorised to give); neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

96. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the said sewers board to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates,

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rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

97. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall in the first instance be paid by the local authorities by whom they shall have been respectively incurred, and shall be repaid to the said local authorities by the sewers board out of the first moneys which shall come to their hands under the powers of this Act, and in preference to all other charges.

SCHEDULE to which the foregoing Act refers.

FORM OF MORTGAGE.

By virtue of "The Brighton Intercepting and Outfall Sewers Act, 1870," the Brighton Intercepting and Outfall Sewers Board, in consideration of the sum of paid to the treasurer to the said board by *A.B.* of for the purposes of the said Act, do grant and assign unto the said executors, administrators, and assigns, such proportion of the rates leviable by the said board, the contributions from the several local authorities, the rents or annual sums for licenses to use the sewers, the profits from the manufacture and sale of sewage, and all other moneys arising or accruing by virtue of the said Act, as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, contributions, rents, annual sums, profits, or moneys, to hold to the said *A.B.*, his executors, administrators, and assigns, from this day until the said sum of , with interest at per centum per annum for the same, shall be fully paid and satisfied, the principal sum to be repaid at the end of years from the date hereof.

In witness whereof the Brighton Intercepting and Outfall Sewers Board have hereunto set their common seal this day of one thousand eight hundred and .

FORM OF TRANSFER OF MORTGAGE.

I *A.B.* of in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage, Number , made by the Brighton Intercepting and Outfall Sewers Board, under "The Brighton Intercepting and Outfall Sewers Act, 1870," to bearing date the day of , for securing the sum of and interest (or if such transfer be by indorsement, the within security), and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, contributions, rents, annual payments, profits, or other moneys thereby assigned.

In witness whereof I have hereunto set my hand and seal, this day of one thousand eight hundred and .

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1870.