ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

****

Cap. cclxxx.

An Act to authorize the Metropolis Sewage and *Essex* Reclamation Company to make a new Conduit in lieu of certain Portions of their authorized Conduits; and for other Purposes.

[30th *July* 1866.]

WHEREAS by "The Metropolis Sewage and *Essex* Reclamation Act, 1865" (in this Act called "the Act of 1865"), the Metropolis Sewage and *Essex* Reclamation Company were incorporated, and authorized to construct certain Embankments and Works for the Purpose of reclaiming, amongst others, the *Foulness Sands* in the County of *Essex*, and also to construct certain Conduits therein described as the Main Conduit, the *Dengie* Conduit, the *Foulness* Conduit, and the *Woolwich* Conduit, for the Purpose of conveying the Sewage from certain Parts of the Metropolis to the said *Foulness* and other Sands, with Powers for the Irrigation by means of such Sewage of Lands adjacent or near to the said Conduits: And whereas it is expedient that the Company should be authorized to make a new Conduit in lieu of certain Parts of the said Main Conduit and *Foulness* Conduit, and Plans and Sections of the said new Conduit, describing the Lines and Levels thereof, and the Lands to be taken for the Purposes thereof, together with a Book of Reference to the said Plans, have been deposited with the Clerk of the Peace for the County of *Essex*, and the same are herein-after referred to as the deposited Plans and Sections: And whereas the Purposes of this Act 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

28 & 29 Vict. c. cxxi.

The Metropolitan Sewage and Essex Reclamation Act, 1866.

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 Metropolis Sewage and *Essex* Reclamation Act, 1866."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," Sections 6 to 11 inclusive, Sections 16 to 23 inclusive, Sections 30 to 44 inclusive, Sections 49 to 58 inclusive, Section 65, and Sections 140 to 160 inclusive of "The Railways Clauses Consolidation Act, 1845," and Sections 4, 13, 17, 18, and 19 of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction, and except that the Provisions of "The Railways Clauses Consolidation Act, 1845," and of "The Railways Clauses Act, 1863," incorporated with this Act, shall be read as applying to the Works hereby authorized instead of to the Railway.

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" shall mean the Metropolis Sewage and *Essex* Reclamation Company:

The Expression "Superior Court" or "Courts of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially incorporated herewith, 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.

Power to make Conduit according to deposited Plans.

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain, in the Line and according to the Levels shown on the deposited Plan and Section, the Conduit herein-after described, with all proper Works and Conveniences connected therewith, 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. The Conduit herein-before referred to is a Conduit Twenty-four Miles Six Furlongs and Six Chains in Length, commencing by a Junction with the said Main Conduit in the Parish of *Hornchurch*, and terminating by a Junction with the said *Foulness* Conduit in the Parish of *South Fambridge*, all in the County of *Essex*.

Conduit and Works to form Part of Undertaking.

5. The Conduit and Works by this Act authorized shall form Part of the Undertaking of the Company.

Power to apply Funds to Purposes of Act.

6. The Company may apply to the Purposes of this Act any of the Monies which they were authorized to raise by the Act of 1865.

Powers for compulsory Purchase limited.

7. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Seven Years from the passing of the Act of 1865.

8. The

Period for Completion of Works.

8. The Conduit shall be completed within Ten Years from the passing of this Act, and on the Expiration of that Period the Powers of this Act granted to the Company for executing the Conduit or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Provisions of 28 & 29 Vict. c. cxxi. applicable to Conduits to apply to the new Conduit.

9. All the Provisions, Conditions, and Restrictions contained in the Act of 1865, or the Agreement in the Schedule annexed thereto, with reference to the Construction of the Conduits thereby authorized, and with respect to Sewage Irrigation by means thereof, and otherwise in relation to the said Conduits, shall apply to the Conduit by this Act authorized in all respects as if such Conduit had been One of the Conduits authorized by the Act of 1865: Provided always, that Articles 1 and 14 of the said Agreement shall be read and construed as if the Period therein referred to were Four Years from the passing of this Act, and Section 116 of the Act of 1865 shall be read and construed as if the Period therein referred to were Ten Years from the passing of this Act; and the Words "Main Culverts" in the said Section 116 shall have the same Meaning as in the Eighth Article of the said Agreement.

For Protection of Cranham Rectory.

10. And for the Protection of the Rectory of *Cranham*, be it enacted, That the Company shall not purchase or take for the Purposes of this Act any of the Lands belonging to the Rectory of *Cranham* without the Consent of the Rector for the Time being, and of the President and Scholars of *Saint John Baptist* College, *Oxford*, the Patrons of the said Living, and shall not without the like Consent construct any Part of their said Conduit within Two hundred Yards of the Rectory House of the said Living at the Point where the Conduit shall cross the public Highway numbered 10. in the Plans deposited with the Clerk of the Peace for the County of *Essex*, or within Three hundred and fifty Yards of the said Rectory House where the Conduit shall cross the Road numbered 5. on the said Plans, and between those Two Roads the Company shall make their Conduit as nearly as may be in a straight Line: Provided that for a Distance of Six hundred Feet between the said Roads, commencing at Two hundred and fifty Feet from the said Road numbered 10, and terminating at Eighty-five Feet from the said Road numbered 5, the Company shall not, unless with the previous Consent in Writing of the said Rector, President, and Scholars, construct their Conduit otherwise than upon a Viaduct having open Arches, and each of the Three Centre Arches of the said Viaduct shall be of not less than Eighteen Feet Span and Thirteen Feet in Height, and the remaining Arches of such a Height, not being less than Eight Feet, as the Nature of the Ground will allow of.

Company may abandon Portions of authorized Conduits.

11. The Company shall abandon the Construction of so much of the said Main Conduit authorized by the Act of 1865 as lies between the proposed Junction therewith of the Conduit by this Act authorized in the Parish of *Hornchurch* and a Field in the Parish of *Wickford* belonging to and in the Occupation of *John Offen*, numbered 6. in the said Parish on the Plans referred to in the Act of 1865, and so much of the said *Foulness* Conduit as lies between the Junction thereof

thereof with the said Main Conduit in the Parish of *Rawreth* and the Junction therewith of the Conduit by this Act authorized in the Parish of *South Fambridge*.

Compensation for Damages to Land by Entry, &c. for Purposes of Conduits abandoned.

12. The Abandonment by the Company, under the Authority of this Act, of any Portion of any Conduit or Works shall not prejudice or affect the Right of the Owner or Occupier of any Land to receive Compensation, in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," for any Damage occasioned by the Entry of the Company on such Land for the Purpose of surveying and taking Levels, or probing or boring to ascertain the Nature of the Soil, or setting out of the Line of Conduit, and shall not prejudice or affect the Right of the Owner or Occupier of any Land which may have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions in that Behalf of "The Railways Clauses Consolidation Act, 1845," incorporated with the Act of 1865, for such temporary Occupation, or for any Loss, Damage, or Injury which may have been sustained by such Owner or Occupier by reason thereof, or of the Exercise as regards such Land of any of the Powers contained in the last-mentioned Act or the Act of 1865.

Compensation to be made in respect of Portions of Conduits abandoned.

13. Where before the passing of this Act any Contract may have been entered into or Notice given by the Company for the purchasing of any Land for the Purposes of or in relation to any Portions of the Conduits or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers or other Persons interested in such Lands for all Injury or Damage sustained by them respectively by reason of the Purchase not being completed, pursuant to the Contract or Notice, and the Amount and Application of the Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Saving Rights of the Metropolitan Board of Works.

14. Nothing in this Act contained, save the Provisions for the Alteration of the Works and the Extension of the Time in the Fourth, Eighth, Ninth, and Eleventh Sections of this Act specifically mentioned, shall affect or alter the relative Rights of the Company and the Metropolitan Board of Works, under the Act of 1865, or the Agreement scheduled thereto.

Expenses of Act.

15. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1866.