


ANNO TERTIO & QUARTO

# GULIELMI IV. REGIS.

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## CAP. XXII.

### An Act to amend the Laws relating to Sewers.

[28th *June* 1833.]

WHEREAS an Act was passed in the Twenty-third Year of the Reign of His Majesty King *Henry* the Eighth, concerning Commissions of Sewers to be directed into all Parts within the then Realm of *England*, including the Principality of *Wales*, in the Manner and according to the Form, Tenor, and Effect in the said Act set forth, and which said Act was made perpetual by an Act passed in the Third and Fourth Years of the Reign of His Majesty King *Edward* the Sixth, intituled *An Act for the Continuance of the Statute of Sewers*, and was amended and altered by an Act passed in the Thirteenth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for the Commission of Sewers*: And whereas great Difficulty, Inconvenience, and Expence are found to arise by reason that the Laws relating to Sewers are in many respects defective: And whereas Doubts have arisen as to the Extent of the Powers given to the Commissioners of Sewers by the said recited Acts and the Commissions issued in pursuance thereof, and particularly as to the legal Mode of conducting Inquiries by means of Juries impanelled and returned by Sheriffs, Bailiffs, and other Returning Officers under the Authority of the said recited Acts, and also as to the legal Power of Courts of Sewers to decree and order new Works to be made and executed for the better defending, draining, sewing, and securing the Lands within the Limits of their respective Commissions, and to grant, impose, and levy Rates, Taxes, Scots, or Assessments for or in respect of such new Works, and to

23 H. 8. c. 5

3 & 4 Edw. 6. c. 8.

13 Eliz. c. 9.

decree and order the taking up and borrowing of Money at Interest to repay the Costs and Charges of such new or any extraordinary or other Works, so as to charge and recover of and from the Owners and Occupiers for the Time being of Lands, Tenements, and Hereditaments the Amount of Money so borrowed or any Part thereof, and thereby to distribute such Costs and Charges fairly and equitably among the Parties who shall or may from Time to Time receive Benefit or avoid Damage by or from the same: And whereas it is expedient to increase the Amount of Qualification of Commissioners of Sewers, and that other Provisions should be made for the better Execution of the Powers by Law vested or to be vested in Commissioners of Sewers: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That no Person who has not already acted as a Commissioner under any Commission of Sewers already issued shall be qualified or capable of becoming or acting as a Commissioner in the Execution of any Commission of Sewers unless such Person shall be, in his own Right or in Right of his Wife, in the actual Possession or Receipt for Life or for a larger Estate of the Rents and Profits of Lands, Tenements, or Hereditaments, situated in the County in which he shall act as a Commissioner, or in any adjoining County, of Freehold or Copyhold Tenure, or held for a Term of not less than Sixty Years absolute, or determinable with a Life or Lives, of the clear yearly Value of One hundred Pounds above Reprizes, or held for a Term of Years originally granted for not less than Twenty-one Years, and of which Ten Years at the least shall then be unexpired, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments, situated in such County as aforesaid, or in any adjoining County, of the clear yearly Value of Two hundred Pounds above Reprizes, or unless such Person shall be the Agent duly appointed by Writing under the Seal of any Body Politic or Corporate, or under the Hand of any Person not being himself present, and acting as a Commissioner in the Execution of the Commission of Sewers under or by virtue of which such Agent shall act, and which Body Politic or Corporate shall for the Time being be in the Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments situated in such County as aforesaid, or in any adjoining County, and which Person making such Appointment shall for the Time being be, in his own Right or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, situated in such County as aforesaid, or any adjoining County, and which Lands, Tenements, or Hereditaments, whether so belonging to such Body Politic or Corporate, or to such other Person, shall be actually taxed under or by virtue of the Commission of Sewers in respect whereof such Agent shall act, and shall be of the clear yearly Value of Three hundred Pounds above Reprizes, or unless such Agent shall, before he acts, deliver his written Appointment to the Clerk to such Commission of Sewers, or his Deputy, to be filed by such Clerk

Qualification of Commissioners.

among the Records or Proceedings of the Commissioners acting in the Execution of such Commission: Provided always, that in Cases where Commissions of Sewers run into more than One County, the Qualification herein-before provided may be situated either partly in each of the Counties into which such Commission shall run, or wholly in any One of such Counties: Provided that nothing in this Act contained shall extend to give a Qualification to any Person as Agent after he shall have ceased to be such Agent.

Quakers may act as Commissioners, upon making an Affirmation.

II. And be it further enacted, That if any Person being a Quaker shall have been or shall hereafter be appointed a Commissioner of Sewers, and shall be in other respects qualified according to the Provisions of the said recited Acts and of this Act, it shall be lawful for such Person, on making his solemn Affirmation to the Effect of the Oath prescribed by the said recited Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, before the Person or Persons who for the Time being shall be empowered by Law to administer such Oath, and also upon his making and subscribing the Affirmation directed by this Act, to act as a Commissioner of Sewers, without being subject or liable to any Penalty or Forfeiture imposed by the said last-recited Act for acting without having taken the Oath therein contained.

Oath to be taken by other Commissioners before acting.

III. And be it further enacted, That every such Commissioner before he shall act in the Execution of his Office shall, in addition to the Oath prescribed by the said recited Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, (or the Affirmation in lieu thereof substituted by this Act in respect of any Commissioner who shall be a Quaker,) take and subscribe before the Person or Persons who for the Time being shall be authorized to administer the Oath prescribed by the said last-mentioned Act the following Oath, or, being a Quaker, the following Affirmation; *videlicet*,

'I do swear, [*or, being one of the People called Quakers*, do 'solemnly affirm,] That I truly and *bonâ fide* am in my own Right '[*or* in the Right of my Wife] in the actual Possession and Enjoy-'ment of [*or* in the Receipt for Life, *or for a larger Estate*, of the 'Rents and Profits issuing out of] Lands, Tenements, or Heredita-'ments, situate in the County of of Freehold or Copy-'hold Tenure, *or* held for a Term of not less than Sixty Years 'absolute, or determinable with a Life or Lives, of the clear yearly 'Value of One hundred Pounds above Reprizes; *or* held for the 'unexpired Term of Years, originally granted for 'Years, of the clear yearly Value of Two hundred Pounds above 'Reprizes; [*or* am Heir Apparent of , who, to the 'best of my Knowledge, is seised of Freehold or Copyhold Lands, 'Tenements, or Hereditaments, situate in the County of , 'of the clear yearly Value of Two hundred Pounds above Reprizes]; '[*or* am Agent of , who, [*or* which,] to the best of my 'Knowledge, is seised or possessed in his *or* their own Right] [*or* in 'the Right of his Wife] of Freehold or Copyhold Lands, Tene-'ments, or Hereditaments, situate in the County of , of 'the clear yearly Value of Three hundred Pounds above Reprizes.

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

IV. And

Penalty on Persons acting not qualified.

IV. And be it further enacted, That if any Person who has not already acted as a Commissioner of Sewers shall presume to act as a Commissioner of Sewers, not being qualified as aforesaid, or who shall have ceased to be qualified as aforesaid, or not having taken the Oath, or, being a Quaker, made the solemn Affirmation prescribed by this Act, every Person wilfully so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of any Commission of Sewers: Provided nevertheless, that no Act or Proceeding touching the Execution of any Commission of Sewers which shall be done or performed by any unqualified Person previously to his being convicted of the Offence of acting without being qualified as herein provided shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had been duly qualified.

Proceedings not to be impeached on account of Disqualification.

Ex officio Commissioners not required to qualify.

V. Provided always, That any Mayor, Bailiff, or other Officer appointed or authorized to act as a Commissioner under any Commission of Sewers by virtue of his Office shall and may, so long as he shall hold such Office, act as a Commissioner in the Execution of such Commission of Sewers by virtue of such Office, without being qualified as herein-before directed with regard to Commissioners of Sewers in general, and without being required to take and subscribe the Oath or Affirmation herein-before prescribed to be taken by Commissioners of Sewers in general with regard to their Qualification, and without being liable to the Forfeiture or Penalty herein-before imposed upon Commissioners of Sewers in general for acting without being qualified as aforesaid, or without having taken such Oath or Affirmation, any thing herein-before contained to the contrary thereof in anywise notwithstanding: Provided also, that such Mayor, Bailiff, or other Officer shall, before he acts, deliver a Certificate, under the Hand of the Town Clerk or other legal Officer of the Corporation in respect of which such Mayor, Bailiff, or other Officer shall or may act, to the Clerk to the Commission under which he shall so act as aforesaid, certifying that he is the Mayor, Bailiff, or other Officer authorized to act as a Commissioner under such Commission.

Commission to continue for 10 Years, unless renewed or repealed by Writ of Supersedeas.

VI. And be it further enacted, That from and after the passing of this Act all and every Commission and Commissions of Sewers then being in force, or that hereafter shall be granted and made, shall stand and continue in force for the Term of Ten Years next ensuing the Date of every such Commission, notwithstanding any Demise of the Crown of these Realms during the Existence of any such Commission or Commissions, unless the same Commission or Commissions be or thereafter shall be repealed or determined by reason

reason of any new Commission in that Behalf made, or by Writ of Supersedeas delivered out of the King's Court of Chancery, discharging any such Commission or Commissions.

Laws, Decrees, and Ordinances to continue in force notwithstanding Expiration of Commission, and although not ingrossed in Parchment, or not certified into the Court of Chancery.

VII. And be it further enacted, That all Laws, Acts, Decrees, Constitutions, and Ordinances made or to be made by any Court of Sewers, and duly registered in the Rolls or Books of such Court by the Clerk to the Commission, shall continue in full Force and Effect, notwithstanding the Expiration, Repeal, or other Determination of the Commission under which such Laws, Acts, Decrees, Constitutions, and Ordinances shall have been respectively made, and notwithstanding the same respectively shall not have been ingrossed or written in Parchment, and under the Seals of the Commissioners or any Six of them, and notwithstanding the one Part thereof shall not remain with the Clerk to the Commission, and the other Part in such Place as the said Commissioners or Six of them shall order or appoint, and notwithstanding the same shall not be certified into the King's Court of Chancery, and the King's Royal Assent had thereto respectively, until the same Laws, Acts, Decrees, Constitutions, and Ordinances shall be altered, repealed, or made void by any subsequent Court or Courts of Sewers in those Parts or Limits where the same Laws, Decrees, and Ordinances were or shall be made and ordained, or by any Six of them.

Regulations as to Meetings of Commissioners.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners or any Three or more of them, or for their Clerk upon the Direction in Writing of any Three or more of the said Commissioners, (and which he is hereby required to do on such Direction,) to appoint the First Meeting of the said Commissioners after the passing of this Act at such Time and Place as to them shall seem meet, and of which Meeting Ten clear Days previous Notice shall be given, by Advertisement in some Newspaper of the County, and generally circulated in that District thereof, and it shall be lawful for the said Commissioners from Time to Time to meet at such Time and Place, and to adjourn to meet at any Place or Places and at such Time or Times as the said Commissioners or the major Part of them present at any Meeting shall appoint; and no Order or Determination shall be made unless the major Part of the Commissioners present shall concur therein; and all Acts, Orders, and Proceedings which are directed or authorized to be made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities vested in them, shall and may be made, done and exercised by the major Part of the Commissioners who shall be present at the said respective Meetings, the whole Number present not being less than Six; and all Acts, Orders, or Proceedings made, done, or executed by or before such Six Commissioners shall have the same Force and Effect and be as binding and conclusive on all Persons, to all Intents and Purposes whatsoever, as fully and effectually as if the same were made, done, or executed by or before the whole of the said Commissioners; and a Chairman shall and may in the first place be appointed at every Meeting by a Majority of the Votes of the Persons present, who in case of an equal Number of

Votes (including the Chairman's Vote) shall have the casting or decisive Vote.

Special Meetings on Emergencies may be called on Ten Days Notice.

IX. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall on any Emergency be considered necessary or advisable that a Special Meeting should be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then and in such Case it shall be lawful for the said Commissioners or any Three or more of them, or for their Clerk upon the Direction in Writing of any Three or more of the said Commissioners (and which he is hereby required to do on such Direction), to appoint a Special Meeting for an earlier Day, and of which Meeting, and of the Time and Purpose thereof, Ten clear Days previous Notice shall be given by Advertisement in some Newspaper of the County, and generally circulated in that District thereof; and no other Business shall be transacted on any such Special Meeting but that which shall have been specified in such Notice as aforesaid: Provided nevertheless, that in the event of any imminent Danger being apprehended from unusually high Tides or any other Cause, and that in the Judgment of Two or more of the said Commissioners the Exigency of the Case will not admit of the Delay of Ten clear Days previous Notice of a Special Meeting, it shall and may be lawful for any Two or more of the said Commissioners, or for their Clerk upon the Direction in Writing of any Two or more of the said Commissioners, (and which he is hereby required to do on such Direction), to convene, by Circular Letter sent to each acting Commissioner, a Special Meeting for as early a Day as the said Two or more Commissioners shall think fit in their Discretion to appoint, such Letters to specify the particular Object for which such Meeting is convened; and no Business shall be transacted thereat but that which strictly relates to such Object.

On certain Occasions Special Meetings may be called by Order of Two Commissioners on a shorter Notice.

Description of Sewers and other Works under the Jurisdiction of Commissioners of Sewers.

X. And whereas Doubts have arisen as to the Extent of the Jurisdiction of Commissioners of Sewers; be it therefore further enacted and declared, That all Walls, Banks, Culverts, and other Defences whatsoever, whether natural or artificial, situate or being by the Coasts of the Sea, and all Rivers, Streams, Sewers, and Watercourses which now are or hereafter shall or may be navigable, or in which the Tide now does or hereafter shall or may ebb and flow, or which now do or hereafter shall or may directly or indirectly communicate with any such Navigable or Tide River, Stream, or Sewer, and all Walls, Banks, Culverts, Bridges, Dams, Floodgates, and other Works erected or to be erected in, upon, over, or adjoining to any such Rivers, Streams, Sewers, or Watercourses, shall be from henceforth, to all Intents, Constructions, and Purposes, within and subject to the Jurisdiction of Commissioners of Sewers: Provided always, that nothing herein contained shall authorize or empower any Commissioners of Sewers to exercise Authority or Jurisdiction upon or over any Dams, Floodgates, or other Works erected for the Purpose of Ornament, previous to the passing of this Act, in, upon, or over any Rivers, Streams, Ditches, Gutters, Sewers, or Watercourses near or contiguous to any House or Building, or in any Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, without the

Consent in Writing of the Owner or Proprietor thereof respectively first had and obtained.

Inquiry and Presentment by Jury.

XI. And be it further enacted, That in all Cases in which any Court of Sewers shall inquire by Jury of or concerning all or any of the Matters and Things authorized and directed to be inquired into and presented under and by virtue of the said recited Acts, and the Laws of Sewers of old Time accustomed, or of this Act, it shall and may be lawful for Commissioners of Sewers, or any Six or more of them, to issue a Warrant or Precept under their Hands and Seals to the Sheriff, Bailiff, or other Returning Officer or Officers of every County at large, Cinque Port, City, Town, Liberty, Precinct, or Place within the Limits of such Commission, commanding such Sheriff, Bailiff, or other Returning Officer or Officers to impanel, summon, and return, and he and they is and are hereby required, on receiving such Warrant or Precept, to impanel, summon, and return, at such Time and Place as in such Warrant or Precept shall be expressed, a Jury of not exceeding Forty-eight nor less than Eighteen substantial and indifferent Persons within his or their respective Jurisdiction, qualified and usually summoned to serve on Grand Juries in Courts of Sessions of the Peace; and the Persons so to be impanelled, summoned, and returned as aforesaid are hereby required to appear before the said Commissioners at such Court of Sewers to be holden within and for the Limits of any and every such Commission of Sewers, or at some Adjournment thereof, as in such Warrant or Precept shall be directed, and to attend such Court, and at any and every Adjournment thereof, until discharged by the said Court; and the said Jury shall be sworn in open Court before the Commissioners, and shall be charged by them to take their Inquisition, and to make and return their Presentments of and concerning all Matters and Things authorized and directed to be inquired into and presented under and by virtue of the said recited Acts, and the Law of Sewers of old Time accustomed, and of this Act; and the said Jury, being so impanelled, sworn, and charged as aforesaid, shall proceed in their Inquiry before and in the Presence of the Court, upon the Evidence of One or more credible Witness or Witnesses, delivered upon Oath or Affirmation, in the same Manner and Form, and subject to the like Rules of taking and receiving Evidence, as is usual in His Majesty's Courts of Common Law; and the said Commissioners may cause to be summoned to appear before them at the Time and Place of holding their respective Courts of Sewers aforesaid, and at every Adjournment of any Court, all Clerks, Keepers, Bailiffs, Engineers, Surveyors, Collectors, Expenditors, and other their Ministers and Officers of Sewers, and such other Persons as in the Judgment of such Commissioners shall be competent to give proper Evidence and Information to the Court and Jury in the Premises; and Notice of the Time and Place of taking such Inquisition shall be given by affixing to the principal Door of each and every of the Churches and Chapels in the several Parishes, Townships, or Places in which the Rivers, Streams, Ditches, Sewers, Watercourses, Walls, Banks, Culverts, and other Works, Lands, Tenements, and Hereditaments, Common of Pasture and Profit of Fishing, and other Matters and Things to be inquired into

or

or that may be affected thereby, shall lie, be, or arise, or if there be no Church, then to some conspicuous Place within such Parish, Township, or Place, a printed or written Paper specifying such Time and Place of Meeting, and signed by the Clerk to the Court before whom such Inquisition is to be taken, at least Seven Days before the taking of such Inquisition, and also by inserting, at least Seven Days before the taking thereof, such Notice once at the least in One or more of the Newspapers published or circulated in or near to the Limits of the Commission of Sewers under Authority whereof such Inquisition shall be taken.

In certain Cases of Difference a Jury to be impannelled which shall be composed, Half from the County at large and Half from the minor Jurisdiction.

XII. And forasmuch as there are in many Counties at large Cities and Towns being Counties of themselves, Cinque Ports, Hundreds, Liberties, and Precincts, having Jurisdiction exclusive of the Sheriffs, Bailiffs, or other Returning Officers of such Counties at large; and it may happen that in the Inquiries and Presentments of and concerning any Matters and Things affecting or relating to Lands or Tenements lying partly in such County at large and partly in such minor Jurisdiction, authorized and directed to be inquired into and presented under or by virtue of the said recited Acts, and the Law of Sewers of old Time accustomed, and of this Act, the Jury returned by the Sheriff or other Returning Officer of such County at large, and the Jury returned by the Sheriff or other Returning Officer of such minor Jurisdiction, may come to opposite or different Conclusions, or make opposite or different Presentments of or concerning such Matters and Things as aforesaid, and in such Case the Powers of the Court of Sewers may thereby become ineffectual or difficult to be carried into effect; be it therefore enacted, That in any Case in which a Jury returned by the Sheriff or other Returning Officer of a County at large, and the Jury returned by the Sheriff or other Returning Officer of any such minor Jurisdiction, shall, in the Judgment of the said Court, come to opposite or different Conclusions, or make opposite or different Presentments of or concerning any Matters or Things affecting or relating to any Lands or Tenements lying partly in such County at large and partly in any such City or Town and County of the same, Cinque Port, Hundred, Liberty, or Precinct within such County at large, it shall and may be lawful for such Court of Sewers thereupon, or at any Time thereafter, to issue a Warrant or Precept, as well to the Sheriff, Bailiff, or other Returning Officer of such County at large, as to the Sheriff, Bailiff, or other Returning Officer of such City or Town and County of the same, Cinque Port, Hundred, Liberty, or Precinct, commanding them respectively to impanel, summon, and return, and he and they is and are hereby required, on receiving such respective Warrant or Precept, to impanel, summon, and return, at such Time and Place (although out of the Jurisdiction of such respective Sheriff, Bailiff, or other Returning Officer,) as in such Warrant or Precept shall be expressed, a sufficient Number, not exceeding Eighteen nor less than Nine substantial and indifferent Persons within his Jurisdiction, and not having composed Part of the Juries respectively which shall have previously differed in respect of the Matters or Things aforesaid, and out of each Panel so to be returned the Names of Nine Persons shall be drawn by the Clerk of such Court of Sewers or his Deputy in

in such Manner as Juries for Trials or Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and the said Eighteen Jurymen shall thereupon be sworn and charged to take their Inquisition and to make and return their Presentment of and concerning the aforesaid Matters and Things, and which Presentment so taken and made shall be as conclusive in all respects as if the same Matters and Things had been inquired of as to Lands or Tenements lying within such County at large by a separate Jury of such County at large, and as to Lands or Tenements lying within such City or Town and County of the same, Cinque Port, Hundred, Liberty, or Precinct, by a separate Jury thereof.

A Presentment of a Jury not to be necessary upon each Occasion to repair.

XIII. And whereas Doubts have arisen whether a Presentment of a Jury is not necessary on each and every Occasion to repair Defences and Works within the Jurisdiction of Commissioners of Sewers; be it therefore enacted, That whenever, under any Commission now in force or which shall hereafter issue, a Jury shall have found and presented that any Person, Body Politic or Corporate, is or are liable to and ought to maintain and repair or contribute to the Maintenance and Repair of any Defence, Wall, Bank, Sewer, or other Work within the Jurisdiction of the Commission of Sewers acting under or by virtue of such Commission, in respect of any Lands, Tenements, or Hereditaments, or Common of Pasture, or Profit of Fishing, it shall not afterwards, during the Continuance of such Commission, be necessary to inquire by Jury and obtain a Presentment upon any subsequent Wants of Amendment and Reparation of the same Defences, Walls, Banks, Sewers, or Works, or any of them, but such Person, Body Politic or Corporate, so presented as aforesaid, and the Owners and Occupiers for the Time being of such Lands, Tenements, or Hereditaments, or Common of Pasture, or Profit of Fishing, shall be liable from Time to Time to maintain and repair or contribute to the Maintenance and Repair of such Defences, Walls, Banks, Sewers, and other Works, according to such Presentment; and it shall and may be lawful for the Commissioners of Sewers to decree, order, and direct the same to be maintained and repaired by such Person, Body Politic or Corporate, from Time to Time during the Continuance of such Commission accordingly.

Rates to be made for every distinct Level or District.

XIV. And be it further enacted and declared, That it shall be lawful for the said Commissioners to make separate and distinct Rates, as Occasion shall require, for every separate and distinct Level, Valley, or District, or any Part of such Level, Valley, or District, within their respective Commissions, and to fix and specify the Limits of every such Level, Valley, or District, or of any such Part of a Level, Valley, or District, and to appoint Surveyors, Collectors, Treasurers, Expenditors, and other Officers for every such Level, Valley, or District, or any Part thereof respectively, whenever the said Commissioners shall think fit so to do, and to cause separate and distinct Accounts to be kept of all Monies collected and received by virtue of any Rate or Rates which shall be made, under the Authority of the said recited Acts relating to Sewers, or of this Act, upon any Lands or Hereditaments within any such Level, Valley, or District, or any Part thereof respectively, and of all Payments and Disbursements in

respect thereof; and the said Commissioners are hereby also authorized to apply the Monies to be collected and received from each distinct Level, Valley, or District, or any Part thereof respectively, by virtue of any such Rate or Rates as aforesaid, to and for the several Purposes to which the same may be lawfully applied under the Authority of the said recited Acts or of this Act, but so nevertheless that each Level, Valley, or District, and every Part of such Level, Valley, or District, shall bear its own Costs, Charges, and Expences; and in case any such Costs, Charges, and Expences shall apply to or be incurred in respect of Two or more Levels, Valleys, or Districts, or Parts thereof respectively, the same shall be apportioned and divided between such Levels, Valleys, and Districts, or such Parts thereof respectively, in such Manner as the said Commissioners shall adjudge to be fair and equitable.

Nothing herein to discharge Persons from Liability by Tenure, &c.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to release or discharge any Person, Body Politic or Corporate, from any Liability to which such Person, Body Politic or Corporate, was or were before the passing of this Act subject by reason of Tenure, Frontage, Prescription, Custom, Covenant, or Grant; but in case any such Person, Body Politic or Corporate, shall not keep in good and proper Repair any Walls, Banks, Sewers, Guts, Gotes, Calcies, Tunnels, Culverts, Sluices, Floodgates, Tumbling Bays, Cuts, and other Works, Aids, and Defences to which he, she, or they may be liable by reason of any such Tenure, Frontage, Prescription, Covenant, or Grant, and shall not, after having had Seven Days Notice from the Surveyor, Dikereeve, or other Officer to be appointed by the Court of Sewers for that Purpose, proceed to put the same into good and proper Repair with all reasonable and proper Dispatch, then and in that Case it shall be lawful for such Surveyor, Dikereeve, or Officer to put the same into good and sufficient Repair; and the Expences to be incurred thereby shall be paid by the Person, Body Politic or Corporate, liable to such Repair as aforesaid.

Certain Persons to be paid for Expences and Loss of Time in executing Commissions of Sewers.

XVI. And be it further enacted and declared, That any Court shall and may, at its Discretion, by and out of the Taxes, Rates, and Scots to be raised under and by virtue of the said recited Acts and this Act, or any or either of them, decree, order and appoint, pay and allow, to Clerks and other Persons employed by the Court, and also to Witnesses attending to give Evidence before the said Court, either in support of any Presentment or Order of the Court, or in opposition to such Presentment or Order, such Recompence, Sum and Sums of Money, from Time to Time, for their several Expences and Loss of Time, as to the said Court shall seem just, and also all such Costs, Charges, and Expences as shall be incurred in surveying, measuring, planning, and valuing the Lands and Hereditaments, or otherwise preparatory to or in or about the making, collecting, and expending such Taxes, Rates, or Scots as aforesaid, or the hearing of Objections to such Taxes, Rates, or Scots, or in or about the carrying on of any Litigation or Controversy arising out of the Duties imposed on the Courts of Sewers by virtue of the recited Acts or of this Act, and for the Payment of all other necessary

Allowances, Charges, and Expences of putting the recited Acts and this Act into execution, and the contingent Expences of working the said Commissions of Sewers respectively.

Nothing in this Act to preclude Courts of Sewers from causing Inquiry and Presentment by Jury as before.

XVII. Provided always, and be it enacted, That nothing herein contained shall prevent any Court of Sewers, from Time to Time and at any Time during the Continuance of the Commission of Sewers, from causing Inquiry and Presentments to be made by Jury of and concerning the aforesaid Matter and Things, or any other Matter, Cause, or Thing to be inquired into and presented upon, by the Ways and Means herein-before provided, or by such other Ways and Means as they were authorized by ancient Custom and Usage or otherwise to do before the passing of this Act, or to abridge or invalidate any Powers or Authorities usually heretofore exercised by any Commissioners of Sewers in their respective Limits not herein expressly abrogated or altered.

Rates to be apportioned between outgoing and incoming Tenants.

XVIII. And whereas Persons frequently remove from and give up the Possession of Lands, Tenements, and Hereditaments, before deriving the full Benefit of the Outlay of the last Scot or Rate assessed or imposed upon them in respect thereof under or by virtue of the Law of Sewers, and it is just and reasonable that the Persons who succeed them in the Possession thereof should be subject to a Proportion of such Rate; be it therefore enacted, That where any Person shall come into or occupy any Lands, Tenements, or Hereditaments out of or from which any other Person assessed as aforesaid shall be removed, and also when any Lands, Tenements, or Hereditaments shall at the Time of making such Scot or Rate be empty or unoccupied, then every Person so rated or assessed and removing from, and every Person so coming into or occupying the same, shall be liable to pay such Scot or Rate in proportion to the Time that such Persons respectively occupied the same Lands, Tenements, or Hereditaments, in the same Manner, and under the like Penalty of Distress, as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated and assessed in such Scot or Rate; and which said Proportion, in case of Dispute between the Parties, shall be ascertained and settled by any Court of Sewers: Provided always, that no outgoing Tenant shall be entitled to have or claim any larger Amount of Rate than shall have been actually paid by him, and not repaid by his Landlord.

Commissioners authorized to make and maintain new Works.

XIX. And be it further enacted and declared, That it shall and may be lawful for any Court of Sewers to decree and ordain any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Bridges, Tunnels, Culverts, Sluices, Floodgates, Tumbling Bays, Cuts, or other Works, Aids, and Defences, or any Alteration in the Gauge, Dimension, Course, Direction, or Situation of any old or existing Walls, Banks, Rivers, Sewers, Guts, Gotes, Calcies, Bridges, Tunnels, Culverts, Sluices, Floodgates, Tumbling Bays, Cuts, and other Works, Aids, and Defences to be constructed, made, and done for the more effectually defending and securing any Lands, Tenements, Hereditaments, and Premises within the Jurisdiction of such Court against the

the Irruption or Overflowing of the Sea, or for draining and carrying off the superfluous Fresh Waters, according to the Wisdom and Discretion of such Court, and also, in like Manner and at their Discretion, to decree and ordain any former Walls or Defences against the Sea, or against any Rivers, Streams, Sewers, or Watercourses, within their Commission, to be abandoned and given up, and new Defences and Walls, Banks, Sluices, Floodgates, Tumbling Bays, Cuts, and other Works to be made and continued in lieu thereof; and in every such Case to direct by Inquiry and Presentment of a Jury in what Manner and Proportions the same shall thereafter be repaired and maintained by the Person, Body Politic or Corporate, deriving Advantage or avoiding Damage thereby or therefrom, having regard to previous Liabilities in respect of the Walls and Defences so to be abandoned and given up.

Not to interfere with Provisions of 16 G. 3. c. 62. for preventing of Prejudice to Sandwich Haven in Kent.

XX. Provided always, and be it further enacted, That nothing herein-before contained shall be construed to authorize or empower the Commissioners acting under any Commission of Sewers for the County of *Kent*, or any Limits or District within the same, to decree or ordain any Wall, Bank, Sewer, Gut, Cut, Gote, Calcey, Sluice, Floodgate, Tumbling Bay, or other Work, Aid, or Defence to be constructed, made, or done for conveying the Waters of the River *Stour*, above *Sandwich Bridge* in the County of *Kent*, into the Part of *Sandwich Haven* below the Bridge, or into the Sea at *Pegwell Bay*, not authorized by an Act passed in the Sixteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners of Sewers for the several Limits in the Eastern Parts of the County of* Kent *more effectually to drain and improve the Lands and Grounds within the general Valleys*, or so as in any Manner to affect, alter, or interfere with the Provisions of the said Act for the preventing of Prejudice to *Sandwich Haven*.

No new Works to be made without the Consent of the Owners and Occupiers of Three Fourth Parts in Value of the Lands to be charged.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower any Court of Sewers to make any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Sluices, Floodgates, Tumbling Bays, Cuts, or other Works, Aids, and Defences, where none have or hath or shall have theretofore been, without the Consent in Writing, certified to such Court of Sewers, of the Owners and Occupiers respectively, or their respective Husbands, Guardians, Trustees, or Feoffees, Committees, Executors, or Administrators, of Three Fourth Parts at the least in Value of the Lands and Hereditaments lying within the Valley, Level, or District proposed to be charged with the Costs and Expences of making and executing such new Works respectively.

Occupiers of Land adjoining Sewers may take away Soil and Weeds from Banks for their own Use.

XXII. And be it further enacted, That it shall and may be lawful for the Occupier for the Time being of Land lying next and adjoining to any River, Sewer, or Watercourse within and subject to the Jurisdiction of Commissioners of Sewers, at any Time within Six Calendar Months from and after any Gravel, Soil, Mud, or Earth shall have been cast or deposited upon the Banks of such River, Sewer, or Watercourse, by the Order of any Surveyor, Bailiff, Expenditor,

ditor, or other Officer of Sewers, and at any Time within Six Weeks from and after any Rushes, Flags, or other Weeds shall have been cast or deposited upon such Banks as aforesaid, to take and remove for his own Use such Gravel, Soil, Mud, and Earth, and such Rushes, Flags, and Weeds respectively: Provided always, that such Gravel, Soil, Mud, and Earth, and such Rushes, Flags, and Weeds respectively, shall be removed at least Ten Feet from the Land Side of the Banks of such River, Sewer, or Watercourse.

Upon Neglect of Occupiers to remove Soil, Surveyors may remove it.

XXIII. And be it further enacted, That if any such Occupier shall neglect to remove such Gravel, Soil, Mud, or Earth as aforesaid within such Six Calendar Months as aforesaid, or such Rushes, Flags, or other Weeds as aforesaid within such Six Weeks as aforesaid, for his own Use, then and from thenceforth respectively it shall be lawful for any such Surveyor, Bailiff, Expenditor, or other Officer of Sewers, with Workmen, Horses, Carts, Carriages, Barrows, and other necessary Tools and Implements, at any Time or Times in the Day-time to enter upon the Land of such Occupier, and to take away and remove therefrom such Gravel, Soil, Mud, and Earth, and such Rushes, Flags, and Weeds respectively, and also for such Purposes to pass and repass, at any Time or Times in the Day-time, through and over any other Lands lying between the nearest Highway and the Banks of such River, Sewer, or Watercourse: Provided always, that if the Owner or Occupier of the Land upon which any such Gravel, Soil, Mud, Earth, Rushes, Flags, or Weeds shall have been deposited shall require the Commissioners of Sewers to remove the same, such Commissioners shall, within Six Weeks after such Requisition as aforesaid, cause the same to be removed from and off the said Land.

Commissioners authorized to contract for the Purchase of Lands, &c.

XXIV. And be it further enacted, That it shall be lawful for any Court of Commissioners of Sewers to treat, contract, and agree with the Owners of and Persons interested in any Messuages, Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, for the Purchase thereof or of any Part thereof, for the Purpose of widening, deepening, strengthening, maintaining, repairing, and amending any Rivers, Streams, Watercourses, Walls, Banks, and other Works, Aids, and Defences within the Jurisdiction of Commissioners of Sewers, and for the Loss or Damage which such Owners or Persons may sustain thereby respectively; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Executors, Administrators, and all other Persons whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for or on behalf of the Person entitled in Reversion, Remainder, or Expectancy after them, and for or on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person whomsoever, and to and for all Femes Covert who are or shall be seised of or interested in their own Right, and to and for every Person whomsoever, who is or shall be possessed of or interested in any such Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Commissioners for the Sale thereof respectively, or for the Satisfaction to be made for the same or for

such Damage as aforesaid, and by Conveyance to convey unto the said Commissioners all or any of such Messuages, Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid, in manner herein-after mentioned; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons shall be and are hereby indemnified for what they or any of them shall do by virtue or in pursuance of this Act.

Form of Conveyance to Commissioners.

XXV. And be it further enacted, That all such Conveyances of any Lands, Tenements, or Hereditaments to be purchased by the said Commissioners of Sewers shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require:

'I of in consideration of the
'Sum of to me paid by Six or more of the
'Commissioners of Sewers acting in and for several Limits [*here*
'*describe the Limits as set forth in the Commission of Sewers*], do
'hereby grant and release to the Commissioners of Sewers acting in
'and for the said Limits all [*describing the Premises to be conveyed*],
'and all my Right, Title, and Interest in and to the same and every
'Part thereof, to hold to the said Commissioners, their Successors
'and Assigns for ever, by virtue of the several Acts and Laws now
'in force concerning Sewers. In witness whereof I have hereto set
'my Hand and Seal this Day of in the
'Year of our Lord .'

Where Persons shall neglect or refuse to treat, &c. Commissioners to issue their Warrants to the Sheriff to impanel a Jury.

XXVI. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees or Feoffees, Committees, Executors, Administrators, or any other Person interested in any such Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him or them given, or left in Writing at the Dwelling House or Place of Abode of such Person, or of the principal Officer of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in possession of any such Lands, Tenements, Hereditaments, or Premises, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners of Sewers, or any Six or more of them, are hereby empowered from Time to Time to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff, Bailiff, or other Returning Officer of the County or Place wherein the Matter in question shall lie, or if such Sheriff, Bailiff,

or other Returning Officer shall be immediately interested in such Matter, then to one of the Coroners of such County or Place, commanding such Sheriff, Bailiff, or other Returning Officer, or Coroner, to impanel, summon, and return a Jury; and the said Sheriff, Bailiff, or other Returning Officer, or Coroner, is hereby required accordingly to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster;* and the Persons so to be impanelled, summoned, and returned are hereby required to come and appear before the Justices of the Peace for the County or Place in which such Lands, Tenements, Hereditaments, or Premises shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County or Place, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve may be sworn, to inquire touching the Matters in question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff, Bailiff, or other Returning Officer, or Coroner, shall return other honest and indifferent Men that can speedily be procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the Clerk of the Peace for the said County or Place, or his Deputy, is hereby empowered and required to summon before the said Justices all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in controversy; which Jury (upon their Oaths, to be administered by the said Justices, which Oaths, as also the Oath to such Person as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums of Money so assessed shall be paid to the several Persons interested in the Premises; and the said Justices shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Parties, Bodies Politic, Corporate, and Collegiate, and all Persons whomsoever.

Jury may be challenged.

Witnesses to be summoned, and examined upon Oath.

Jury to assess Damages.

Verdict of the Jury to be binding.

XXVII. Provided always, and be it further enacted, That if any such Sheriff, Bailiff, or other Returning Officer, or Coroner, or his Deputy or Agent, shall make default in the Premises, every such Person shall for every Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing refuse to be sworn, or being sworn refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing refuse

Commissioners may impose a Fine on Sheriff, Witnesses, &c. making default.

refuse to be sworn or examined or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Justices, shall for every such Offence forfeit and pay such Sum as the said Justices shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

Agreements to be filed with the Clerk of the Sewers.

XXVIII. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgments, which shall be made and given in relation to any such Lands, Tenements, and Hereditaments as aforesaid, (such Verdicts and Judgments being certified by the Clerk of the Peace of the County or Place in which such Verdict and Judgment shall have been given,) shall be delivered to and deposited with the Clerk of the Sewers for the County, Limits, or District wherein such Lands, Tenements, or Hereditaments are situate, and shall be filed with the Rolls of the Court or Commissioners of Sewers of such County, Limits, or District; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling, and for every such Copy not exceeding Seventy-two Words the Sum of Four-pence, and so in proportion for any greater Number of Words.

By whom Costs of Jury and Witnesses to be paid.

XXIX. And be it further enacted, That in case any such Jury or Juries shall deliver a Verdict for more Money as a Satisfaction for such Lands, Tenements, or Property, or for any such Loss or Damage, than what shall have been offered by such Commissioners for the same before the summoning or returning the said Jury or Juries, then and in such Case the Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Commissioners out of the same Fund as the said Purchase or Compensation Money is hereby directed to be paid; and such Costs and Expences shall be ascertained and settled by an Officer of One of His Majesty's Superior Courts of Record at *Westminster*, to be nominated, in case of Dispute, in the County of *Middlesex* by the Lord Chief Justice of the Court of King's Bench, and in every other County by the senior Judge of the Gaol Delivery for the Time being; but if any such Jury or Juries shall deliver a Verdict for no more or for less Money than shall have been offered by the said Commissioners before the summoning such Jury or Juries, then such Costs and Expences (to be ascertained and settled in like Manner) shall be borne and paid by the Person with whom such Commissioners shall have such Controversy or Dispute, and shall and may be levied by Distress and Sale of the Goods and Chattels of the Person liable to pay the same, by Warrant under the Hands and Seals of Two Justices of the Peace for the County or Place within which such Verdict and Judgment shall have been given; and the Overplus (if any), after such Costs and Expences, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels.

XXX. And

From what Fund Purchase and Compensation Monies are to be paid.

XXX. And be it further enacted, That every Sum of Money and Recompence to be agreed for or assessed as aforesaid shall be paid for out of any Monies in the Hands of the said Commissioners which may be levied on the Messuages, Tenements, Lands, and Hereditaments which shall receive Benefit or avoid Damage by or from such widening, straightening, deepening, repairing, and amending as aforesaid, or by or from making and maintaining any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Sluices, Floodgates, Cuts, and other Works, Aids, and Defences; and upon Payment to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or with the Tenant in possession of such Lands, Tenements, Hereditaments, and Premises, or into the Bank of *England* in manner directed by this Act (as the Case may be), then such Lands, Tenements, Hereditaments, and Premises respectively shall be vested in such Commissioners, and shall and may be taken and used for straightening, widening, deepening, repairing, and amending such Rivers, Streams, Ditches, Gutters, Sewers, and Watercourses, or for making and maintaining any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Sluices, Floodgates, Cuts, and other Works, Aids, and Defences; and all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments.

Application of Compensation Money exceeding 200*l*.

XXXI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of this Act, by any Commissioners of Sewers, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are or may be limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners of Sewers for whom such Lands, Tenements, or Hereditaments shall be taken, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, Tenements, and other Hereditaments, in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize

1 G. 4. c. 35.

to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by the Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments to be purchased as aforesaid, in case such Settlement or Purchase were made.

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

XXXII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his Guardian or Committee in Cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees to be nominated by the Person making such Option, and approved by Six or more of the Commissioners taking such Lands, Tenements, or Hereditaments, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends and Interest arising therefrom may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application of Compen-

XXXIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as before mentioned shall be less

less than the Sum of Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Commissioners, or any Six or more of them, shall think fit; or in case of Lunacy, Idiotcy, or Infancy, then to his Guardian or Committee, to and for the Use and Benefit of such Person so entitled.

sation Money when less than 20*l.*

XXXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Land, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in possession to be deemed lawfully entitled to the Premises until the contrary shall be shown to the Court of Exchequer.

XXXV. And be it further enacted, That in case the Person to whom any Sum or Sums of Money shall be assessed or agreed for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners or any Six or more of them, or in case such Person to whom such Sum or Sums of Money shall be so assessed or agreed to be paid as aforesaid cannot be found, or if the Person entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Six or more of them, to order the said Sum or Sums of Money so assessed or agreed to be paid as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment

If Compensation Money is refused, or Titles not made, or if Persons to whom Money assessed cannot be found, Money to be paid into the Bank, subject to Order of Court of Exchequer.

Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Sum or Sums of Money is hereby required to give a Receipt for the same (mentioning and specifying for what and for whose Use the same is received) to such Person as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

Court of Exchequer may direct Payment of Expences in Cases where Purchases of other Lands are made.

XXXVI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Commissioners, or any Six or more of them, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct; and the said Commissioners shall and may reimburse themselves all such Payments as shall be so made by them as aforesaid in the Manner directed, and out of the Rates to be raised, levied, and collected for such Purposes respectively, under the Powers and Provisions of the said recited Acts and of this Act.

Houses and Buildings &c. not to be taken without Consent.

XXXVII. And be it further enacted, That it shall not be lawful for any Court of Sewers in making any new Walls, Banks, Sewers, Cuts, Gotes, Calcies, Sluices, Floodgates, Tumbling Bays, and other Works, Reparations, Amendments, Aids, and Defences authorized to be made and executed by the said recited Acts and this Act, or any or either of them, to take down, remove, or make use of any House or Building, or any Garden, Yard, or Paddock, or any Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof respectively, or of the Person, Body Politic or Corporate, hereby authorized to sell and convey as aforesaid, first had and obtained.

Vesting Land in Commissioners of Sewers on Payment of Purchase Money.

XXXVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Messuages, Lands, Tenements, Hereditaments, and Premises, or as a Compensation for Losses or Damages as herein mentioned, to the Proprietor or Proprietors of such Messuages, Lands, Tenements, Hereditaments, and Premises, or to such other Person or Persons, Bodies Politic or Corporate or Collegiate, as shall be interested therein or entitled to receive such Money or Compensation respectively, within Thirty Days

Days next after the same shall be so agreed for or assessed, or upon Payment of such Sum or Sums of Money, within the said Thirty Days, into the Bank of *England*, in manner herein directed and required, for the Use of the Persons entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Servants, and Workmen, to enter upon such Messuages, Lands, Tenements, Hereditaments, and Premises respectively, and thenceforth such Messuages, Lands, Tenements, Hereditaments, and Premises, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person, Bodies Politic, Corporate, or Collegiate, therein, shall become and be vested in the said Commissioners for ever; and such Payment or Tender shall not only bar all Right, Title, Claim, Interest, and Demand of the Person, Bodies Politic, Corporate, or Collegiate, to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and all other Estates in Reversion and Remainder of his or their Issue, and of every other Person, Bodies Politic, Corporate, or Collegiate whomsoever therein.

Enabling Commissioners to sell Lands, &c. not wanted.

XXXIX. And be it further enacted, That it shall and may be lawful for Commissioners of Sewers, or any Six of them, in whom any Lands and Hereditaments shall be vested by virtue of this Act, to sell and dispose of the same or any Part thereof, either together or in Parcels, as they shall find most convenient and advantageous, to such Person as shall be willing to contract for and purchase the same; and the Money to arise and be produced by the Sale or Sales which may be made by the said Commissioners of Sewers of any Land or Hereditaments as aforesaid shall be applied to the Purposes of making and maintaining Sewers Works in the Limits, Valley, Level, or District in which such Land or Hereditaments so sold as aforesaid shall lie or be, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money: Provided always, that the said Commissioners of Sewers, before they shall sell and dispose of any such Land or Hereditaments, shall first offer to sell the same to the Owner of the adjoining Land or Ground; and an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Riding, or Division in which such Land and Hereditaments shall lie, by some Person not interested in the Premises, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to or was refused by the Person to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person to whom such Offer was made (as the Case may be); and in case such Person shall be desirous of purchasing the same, and he and the said Commissioners shall differ and not agree with respect to the Price thereof, in such Case the Price thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of Premises to be purchased by Commissioners of Sewers in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in

First Offer to be given to Owners of adjoining Ground.

like Manner as herein-before directed with respect to Purchases made by the said Commissioners of Sewers, *mutatis mutandis*.

Form of Conveyance from Commissioners.

XL. And be it further enacted, That all such Conveyances of any Lands, Tenements, or Hereditaments to be sold and disposed of by the said Commissioners of Sewers shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require:

'WE, Six of the Commissioners of Sewers acting in and for several Limits [*here describe the Limits as set forth in the Commission of Sewers*], in consideration of the Sum of to us paid by of do hereby grant and release to the said all [*describing the Premises to be conveyed*], and all Right, Title, and Interest of the Commissioners of Sewers in and to the same and every Part thereof, to hold unto the said his Heirs, Executors, Administrators, and Assigns for ever. In witness whereof we have hereto set our Hands and Seals this Day of in the Year of our Lord .'

Power to borrow and take up Money at Interest for making and maintaining Works.

XLI. And be it further enacted, That it shall and may be lawful for Courts of Sewers, from Time to Time as Occasion shall require, to borrow and take up at Interest any Sum or Sums of Money for the Purchase of Messuages, Lands, Tenements, or Hereditaments, or for defraying the Costs, Charges, and Expences of any Work or Works required to be done within the respective Limits of their Commission, for making, repairing, and maintaining any Sea Bank, Wall, or other Defence or Defences, against any violent Irruption or Encroachment or apprehended Encroachment of the Sea or Rivers, or for the making and maintaining any new Cut, or for the more effectual and better draining and carrying off the Floods and superfluous Fresh Waters, or for the building, constructing, repairing, amending, renewing, and maintaining any Floodgates, Sluices, Bridges, Dams, or other necessary Works, or for any other Construction, Work, Matter, or Thing which the said Court shall judge necessary or expedient for the more effectual Defence, Security, and Improvement of the Lands, Grounds, Tenements, and Hereditaments within the Jurisdiction of such Court of Sewers; and the Repayment of such Sum and Sums of Money, with Interest, shall and may from Time to Time be secured to the Party lending the same upon or by virtue of a Decree or Ordinance under the Hands and Seals of the Commissioners, or any Six of them, (which Decree and Ordinance they are hereby authorized to make,) charging the Lands, Tenements, and Hereditaments receiving Benefit or avoiding Damage from the said several Works, and the Owners or Occupiers, or Owners and Occupiers for the Time being thereof, with the Payment of such Sum and Sums of Money, with Interest, according to the Proportions and in the Manner returned in and by any Presentment touching or concerning the Costs and Charges of such last-mentioned Works, or the Lands, Grounds, Tenements, and Hereditaments receiving Benefit or avoiding Damage thereby: Provided always nevertheless, that no

such Money shall be borrowed or taken up at Interest as aforesaid without the Consent in Writing, certified to the said Commissioners or any Six of them, of the Owners and Occupiers respectively, or their respective Husbands, Guardians, Trustees or Feoffees, Committees, Executors or Administrators, of Three Fourth Parts at the least in Value of the Lands and Hereditaments lying within the Valley, Level, or District proposed to be charged with the Repayment thereof: Provided also, that no Person being the Owner for the Time being of any Lands, Tenements, or Hereditaments shall be chargeable or liable, in respect of such Lands, Tenements, or Hereditaments, for or towards any Principal Money borrowed or taken up as aforesaid, with or to the Payment of any greater Sum of Money than One Fifth Part of the Value of such Lands, Tenements, or Hereditaments at the Time of borrowing or taking up the same: Provided also, that it shall be provided, expressed, and declared in and by the said Decree and Ordinance, that the Sum or Sums of Money so borrowed and taken up thereon shall be repaid within a Time to be named in such Decree and Ordinance, not being for a longer Period than Fourteen Years from the making thereof, by equal annual or shorter Instalments, together with Interest on the Sum or Sums so borrowed or taken up, or on such Part thereof as shall from Time to Time remain due and unpaid; and the said last-mentioned Decree and Ordinance shall be and remain in full Force and Effect until such Sum and Sums of Money, and all Interest thereon, shall have been fully paid and satisfied; any thing in the said recited Acts or this Act contained, or any Custom or Usage, to the contrary notwithstanding.

Courts of Sewers may grant Securities to Persons advancing Money.

XLII. And for facilitating the raising, securing, and paying off from Time to Time of the Monies which it may be necessary so to raise and borrow as aforesaid, be it further enacted, That it shall and may be lawful for any Court of Sewers from Time to Time to grant Securities, in the Form of a Certificate, under the Hands and Seals of Six of the said Commissioners, to each Person who shall so advance any Sum of Money as aforesaid, setting forth the Amount of the Sum borrowed, the Rate of Interest payable for the same, the Periods at which the said Principal Money shall be decreed to be paid off by Instalments, and a general Description of the particular Lands, or, if by Assessment, the District, Limit, or Level in which the Lands are situate, which are to be charged with the Repayment thereof; and that every such Security or Certificate shall be made in the following Words, or by any other Words to the same Purport and Effect:

Form of Security.

'BY virtue of an Act passed in the Third Year of the Reign of
'His Majesty King *William* the Fourth, intituled [*here insert*
'*the Title of this Act*], we the undersigned, being Six of the Com-
'missioners [*here insert the general Description of the Commission*
'*under which they act*], in consideration of the Sum of
'of lawful Money of *Great Britain* to [*here insert the Name of the*
'*Receiver of the District*] lent and paid by
'do hereby certify, that [*here describe the particular Lands, or, if*
'*by Assessment, the Valley, Level, or Limit in which the Lands are*
'*situate,*

'*situate, which are to be charged,*] are become charged with the 'Repayment of the said Sum, in Instalments of One 'Part on the Day of in every Year, together 'with Interest on such Part of the said Principal Money as shall 'remain unpaid from Time to Time at and after the Rate of 'Pounds *per Centum per Annum*, until the whole thereof shall be 'repaid; which Sum so lent and advanced by the said 'is Part of a Capital Sum of which at a Court of 'Sewers holden at on the Day of 'last was decreed and ordered to be taken up and borrowed for 'the Purpose of [*here briefly state the general Cause or Object of 'borrowing the Money*]. In witness whereof we have hereunto set 'our Hands and Seals the Day of .'

Securities may be transferred.

XLIII. And be it further enacted, That every Person, Body Politic, Corporate, Collegiate, Aggregate, or Sole, who shall be entitled to the Money thereby secured, and his, her, or their Executors, Administrators, and Successors, may from Time to Time personally, or by Attorney thereunto lawfully authorized, assign or transfer his or their Right, Title, Interest, or Benefit to the said Principal and Interest Money thereby secured to any Person whatsoever, by indorsing on the Back of such Security, in the Presence of One credible Witness, who shall subscribe his Name thereto, the following Words, or Words to the like Effect:

Form of Transfer.

'I [*or* We] [*A. B.* of, *&c.*], in consideration of the Sum of 'to me this Day paid by [*C. D.* of, *&c.*], do hereby transfer the 'within Certificate of Charge, with all my Right and Title to the 'Principal Money thereby secured and now remaining due thereon, 'and to all the Interest Money now due or hereafter to become due, 'unto his [her, *or* their] Executors, Administrators, Successors, and Assigns [*as the Case may be*]. Given 'under my Hand and Seal this Day of .

'Witness, .'

Transfers to be produced to Clerk to Commissioners, and to be registered by him.

Which Transfer shall be produced and notified to the Clerk for the Time being of the said Commissioners before the Party holding the same Transfer shall be entitled to receive any Principal or Interest due or owing as aforesaid; and every such Clerk shall make an Entry amongst the Records of the said Commissioners of the Particulars of every such Transfer, and indorse a Minute of such Entry upon the Back of every such Transfer, signed by such Clerk, and for which Entry and Minute he shall be entitled to a Fee of Five Shillings, and no more.

Courts of Sewers may be held out of the Limits of the Commission.

XLIV. And whereas it has been found in some Instances difficult or inconvenient to hold Courts of Sewers within the Limits or Districts of the Commission under or by virtue whereof such Courts have been held, by reason that no House or other sufficient Building could be procured within such Limits or Districts; be it therefore further enacted, That it shall and may be lawful for Commissioners acting under any Commission of Sewers to hold Courts of Sewers at any Place not being at a greater Distance than Five Miles from the Limits or Districts of such Commission.

XLV. And

All Acts of Commissioners done without the District of the Commission, but within Five Miles thereof, to be valid.

XLV. And be it further enacted, That all Laws, Acts, Decrees, Constitutions, and Ordinances heretofore made, done, decreed, and ordained at or by any Court of Sewers holden without the Limits or District of the Commission under or by virtue whereof such Court has been holden, but within Five Miles of the Limits or District of such Commission, shall be and they are hereby declared to be as valid and legal, and shall henceforth be and remain in as full force and virtue, as if the same Laws, Acts, Decrees, Constitutions, and Ordinances had been made, done, decreed, and ordained at a Court of Sewers holden within the Limits or District of the Commission under or by virtue whereof such Court was holden; any Statute, Law, Usage, or Custom to the contrary notwithstanding.

Several Defaults may be included in One Presentment, and separately traversed.

XLVI. And whereas in many Cases the Burthen of supporting, repairing, and maintaining a common Sea Wall, Bank, Sewer, or other Work may be divided among divers Persons, each of whom may be liable to the Repair of a certain Portion thereof; and in order to avoid the Necessity of presenting each such Person separately in respect of the Nonrepair of such common Sea Wall, Bank, Sewer, or other Work, be it further enacted, That it shall be lawful for any Sewers Jury, Bailiff, Surveyor, Expenditor, or other Person to present the whole of such Sea Wall, Bank, Sewer, or other Work respectively, or such Part thereof respectively as shall at any Time be out of repair or require cleansing, and to allege in such Presentment what Persons or Bodies Politic or Corporate are liable to the Repair thereof, and also to specify what Part or Portion of such Sea Wall, Bank, Sewer, or other Work each such Person, Body Politic or Corporate, is bound or liable to repair, without making a separate and distinct Presentment against each such Person or Body Politic or Corporate; and upon Twenty-eight Days Notice of such Presentment to be left with, or at the last or usual Place of Abode or Office of such Person, Body Politic or Corporate, each such Person, Body Politic or Corporate, shall be at liberty to traverse the Allegation contained in such Presentment as to his Liability to the Repair of such Part of such Sea Wall, Bank, Sewer, or other Work as in such Presentment is alleged against him; and Trial of such Traverse shall be thereupon had as if such Presentment had been solely and exclusively made against such Person, Body Politic or Corporate, so traversing the same as aforesaid.

Property in Lands, Buildings, Goods, &c. vested in Commissioners.

XLVII. And be it further enacted, That the Property of and in all Lands, Tenements, Hereditaments, Buildings, Erections, Works, and other Things which shall have been or shall hereafter be purchased, obtained, erected, constructed, and made by or by the Order of, or which are or shall be within or under the View, Cognizance, or Management of any Commissioners of Sewers, with the several Conveniences and Appurtenances thereunto respectively belonging, and also all and singular the Goods, Tools, Utensils, Materials, and Things whatsoever had and to be had, bought, procured, or provided by or by the Order of, or which are or shall be within or under the View, Cognizance, or Management of such Commissioners, shall be and the same are hereby vested in the Commissioners of Sewers within or under whose View, Cognizance, or Management such Lands, Tenements, Hereditaments, Buildings, Erections, Works, Goods, Tools, Utensils, Materials, and Things shall respectively be,

who are hereby empowered to bring or cause to be brought any Action or Actions, or to prefer or order the preferring of any Bill or Bills of Indictment, against any Person who shall dig up, break or pull down, damage, destroy, injure, spoil, steal, take or carry away, or wilfully and wrongfully buy or receive, any such Lands, Tenements, Hereditaments, Buildings, Erections, Works, Goods, Tools, Utensils, Materials, and Things whatsoever as aforesaid, or any Part thereof; and in every such Action and Indictment the said Lands, Tenements, Hereditaments, Buildings, Erections, Works, Goods, Tools, Utensils, Materials, and Things shall be laid or described to be the Property of the said Commissioners, without stating or specifying the Name or Names of all or any of such Commissioners.

Officers to account when required.

XLVIII. And be it further enacted, That every Clerk, Treasurer Collector, Receiver, and other Officer appointed and to be appointed by any Court of Sewers shall, as often as required by such Court, render and give to the said Court, or to such Person as it shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, and produce and deliver unto the said Court, or to such Person as aforesaid, proper Vouchers of and for all Monies which they shall respectively before the Time of rendering such Accounts have received, paid, and disbursed for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid by him to such Person as the said Court shall authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said Court, refuse or neglect to render, give, produce, and deliver up to them, or to such Person as they shall direct or appoint, such true and perfect Account, and all or any such Vouchers as aforesaid, and all or any Books, Papers, Writings, Matters, and Things in his Hands, Custody, or Power, it shall and may be lawful for the said Court, in a summary Way, to cause such Money as shall appear to be due and unpaid from such Officer to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to such Officer the Overplus (if any), on Demand, after Payment of the Money remaining due, and deducting the Charges and Expences of making such Distress and Sale; and if sufficient Distress cannot be found, or if any such Officer shall refuse or wilfully neglect to render such Account, or to deliver up all or any Vouchers, Books, Papers, Writings, Matters, or Things in his Custody or Power relating to the Execution of his Office, the said Court shall or may commit him to any House of Correction or Common Gaol of the County, City, or Liberty in which such Court of Sewers shall have Jurisdiction, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account, and shall have delivered up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Court, or shall have compounded with the said Court for such Money, and paid such Composition according to their Direction (which Composition the said Court is hereby empowered to make and receive), or until he shall have delivered up all such Books, Papers, and Writings, Matters and

Things as aforesaid, or have given Satisfaction to the said Court concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Removing Officer from the Possession of the Property of Courts of Sewers.

XLIX. And be it further enacted, That if any Officer or Servant of any Court of Sewers who shall be by such Court discharged from his Office shall be in possession of any Houses, Buildings, Lands, Floodgates, Sluices, Dams, Works, Materials, Tools, or Implements so belonging to or vested in any such Commissioners of Sewers as aforesaid, and shall refuse to deliver up the Possession thereof within Two Days after Notice of his being discharged and of his being required to deliver up the same shall be given to him, or left at his last or most usual Place of Abode, or if the Wife, Widow, Family, or Representatives of any such Officer or Servant who shall happen to die, shall, after like Notice given to her, them, any or either of them, refuse to deliver up possession of the same within the like Time after she, they, or either of them shall be required so to do, then and in either of the said Cases it shall and may be lawful for any such Court of Sewers for the County, Limits, or District wherein the same Property, Matter, or Thing refused to be delivered up may be, by Warrant under the Hands and Seals of Six Commissioners of Sewers for the County, Limits, or District, to order a Constable or other Peace Officer, with such Assistance as shall be deemed necessary, to enter any such Houses, Buildings, Lands, Floodgates, Sluices, Dams, or other Works so refused to be delivered up, in the Daytime, and to remove the Persons who shall be found therein, together with their Goods, out of such Premises, and also to take possession of the same, and of all such other Property, Matters, and Things belonging to or vested in the said Commissioners of Sewers as shall be so refused to be delivered up as aforesaid, and to put the said Commissioners, or their Officer or Servant, in possession thereof.

Courts of Sewers may take Security from Officers and sue for Forfeitures

L. And be it further enacted, That it shall be lawful for any Court of Sewers to take such Security from every Treasurer, Receiver, Collector, Expenditor, and other Ministers and Officers, as to such Court shall seem meet, for the just and faithful Execution of such Office or Trust, and such Security shall be given by Bond or Bonds to the Clerk for the Time being to the said Commissioners of Sewers; and in case of Forfeiture it shall be lawful for the said Court of Sewers to sue upon such Bond or Bonds in the Name of the Clerk to the said Commissioners of Sewers for the Time being, and to carry on such Suit at the Costs and Charges and for the Use and Benefit of the Fund for the Security of which such Bond or Bonds shall have been taken, fully indemnifying and saving harmless such Clerk from all Costs and Charges in respect of such Suit from and out of such Fund; and no Action or Suit to be brought or commenced in the Name of the Clerk in the manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk, or by the Expiration of any Commission of Sewers or other Authority under which the said Clerk may act as aforesaid.

LI. And

Treasurer and Clerk not to be the same Person.

LI. And be it further enacted, That it shall not be lawful for any Court of Sewer to continue or appoint the Person who hath been or who may be appointed their Clerk in the Execution of any Commission of Sewers, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or the Clerk or other Person in the Service or Employ of the Partner of such Clerk, the Treasurer for the Purposes of the said recited Acts or of this Act, or to continue or appoint any Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, the Clerk of the said Commissioners; and if any Person shall continue in or accept both the Offices of Clerk and Treasurer in the Execution of any Commission of Sewers, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall continue in or accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall continue in or accept the Office of Clerk in the Execution of any Commission of Sewers, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under such Court of Sewers other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Constables to obey Orders of Commissioners.

LII. And for the better carrying into execution the Powers and Authorities of the said Commissioners of Sewers, be it further enacted, That all and every Chief and Petty Constables, Headboroughs, and Tithingmen, or by whatsoever other Name or Names such Chief or Petty Constables may be called or known, and other Peace Officers, of or within the respective Hundreds, Parishes, Townships, Liberties, Districts, or Places within the Jurisdiction of the said respective Courts, shall and they are hereby authorized and required to obey and execute all and every the Orders, Warrants, Precepts, or other Process which may be to them directed by the said Commissioners; which said Commissioners respectively are hereby authorized to direct such their Orders, Warrants, Precepts, or other Process to such Chief or Petty Constables, Headboroughs, Tithingmen, and other Peace Officers accordingly.

Fines, &c. may be levied by Warrant of Commissioners of Sewers.

LIII. And be it further enacted, That no Fine, Amerciament, Penalty, or Forfeiture which from and after the passing of this Act shall be set or imposed by any Commissioners of Sewers upon any Person, Body Politic or Corporate, for not cleansing, scouring, repairing, or maintaining, or for obstructing or injuring, any of the Walls, Ditches, Banks, Gutters, Sewers, Gotes, Bridges, and Streams,

or

or for any other Cause, Matter, or Thing, within the Jurisdiction of the said Commissioners respectively, shall hereafter be returned or estreated into the Court of Exchequer; but that the same Fines, Amerciaments, Penalties, and Forfeitures, and all Penalties and Forfeitures imposed by this Act, except as herein otherwise provided, shall and may be demanded and received by the Treasurer, Clerk, Expenditor, or other Person appointed by the said Commissioners to receive the same, and if not paid upon Demand shall and may be levied by Distress and Sale of the Goods and Chattels of the Person, Body Politic or Corporate, upon whom such Fines, Amerciaments, Penalties, or Forfeitures shall or may be so set or imposed, by Warrant under the Hands and Seals of the said Commissioners, or any Six or more of them, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) to the Party or Parties entitled thereto; which Warrant the said Commissioners are hereby authorized to issue; and the said Fines, Amerciaments, Penalties, and Forfeitures, when so received or levied, shall and may be applied by the said Commissioners to such and the same Uses and Purposes as the Monies raised, levied, or set apart by the said Commissioners for defraying and reimbursing the general Expences of executing the Commission of Sewers under which they shall or may act or may be applicable.

Form of Warrant for levying Fines, &c.

LIV. And be it further enacted, That the Warrant authorizing the levying of any such Fine, Amerciament, Penalty, or Forfeiture payable by virtue of this Act may be in the Words or to the Effect following:

'To our Bailiff of Sewers, and to
'and our Collectors,
'and to each and every of them, and to all Constables
'and other Peace Officers.

'WHEREAS at the Court [*or* Session] of Sewers holden for the
'Limits [*here state the Name of the Commission*] on the
'Day of last, *A. B.* of in the County of
'Carpenter, was fined [amerced, *or otherwise, as the*
'*Case may be*] in the Sum of which Sum it hath
'this Day been proved to us, the undersigned, being Six or more
'of the Justices and Commissioners of Sewers for the aforesaid
'Limits, by the Oath of duly appointed to
'receive the same Fine, [Amerciament, Penalty, *or* Forfeiture, *as*
'*the Case may be*,] that the said hath
'neglected or omitted to pay when demanded of him: These are
'therefore to authorize and command you, any or either of you, to
'levy the said Sum of by Distress and Sale
'of the Goods and Chattels of the said
'together with the Costs and Charges of such Distress and Sale,
'rendering the Overplus, if any, to the said .
'Given under our Hands and Seals the Day of
'in the Year of our Lord One thousand eight hundred
'and .'

Commissioners may decree and assess Costs;

LV. And be it further enacted, That in all and singular the Orders, Decrees, or other Proceedings hereafter to be made touching or concerning

concerning any Matter or Thing within the Jurisdiction of any Court of Sewers, it shall and may be lawful to and for any such Court of Sewers to order and decree that the Costs, Charges, and Expences of and incidental to the making and putting in force such Order or Decree, Orders or Decrees, shall be paid and borne by the Person, Body Politic or Corporate, upon or against whom, or by reason of whose Default, or for whose Benefit, such Order or Decree, Orders or Decrees, shall respectively be made, which Costs, Charges, and Expences shall and may be ascertained and settled by or by the Authority of any such Court of Sewers; and when any such Costs, Charges, and Expences shall be ordered and decreed to be paid as aforesaid, and such Order or Decree, Orders or Decrees, shall not be previously altered, reversed, or quashed by or at any subsequent Court of Sewers, or by any other Court or Courts, upon Removal of the same by Certiorari or otherwise, the same Costs, Charges, and Expences shall and may, at any Time after the Court of Sewers immediately following the granting or passing of such Orders or Decrees respectively, such Court being at the Distance of Twenty-one Days at the least from the Service of such Orders or Decrees respectively, be levied and raised, together with the Costs and Charges of raising and levying the same, by Distress and Sale of the Goods and Chattels of the Person, Body Politic or Corporate, by whom the same shall or may respectively be ordered or decreed to be paid as aforesaid, by the Bailiff, Expenditor, Surveyor, or other known Officers of the said Commissioners of Sewers for the Time being, or by any Constable or Peace Officer or any other Person to be named in and by such Orders or Decrees respectively, without any further Order or Decree of the said Court of Sewers: Provided always, that if no such Distress or Distresses as aforesaid can be found, the same Costs, Charges, and Expences, together with the Costs and Charges of raising and levying the same, shall and may be raised and levied upon and out of the Lands, Tenements, and Hereditaments, within the Limits of the Commission under and by virtue of which the same Orders and Decrees shall respectively be made, of or belonging to the Person, Body Politic or Corporate, upon or against whom such Orders and Decrees shall respectively be made, in such and the same Manner as the same would have been leviable if the same Lands, Tenements, or Hereditaments had been lawfully assessed in the Amount or respective Amounts of the same Costs, Charges, and Expences to or for a lawful Scot, Rate, or Assessment for the Purposes of the same Commission, and the same Lands, Tenements, and Hereditaments shall be subject to all such and the same Orders and Decrees as the same would have been subject to, and such Orders and Decrees shall be of the same Force and Authority as if the same Costs, Charges, and Expences were a lawful Scot, Rate, or Assessment as aforesaid, and unpaid.

and in default of Distress may raise the same upon the Lands of the Defaulters.

LVI. Provided also, and be it further enacted, That all and every Sum and Sums of Money which shall or may be raised or levied by or for the Costs, Charges, and Expences of any Officer of Sewers as aforesaid shall be paid into the Hands of the Treasurer or Expenditor of the said Commissioners acting for the District in or for which the Orders or Decrees shall respectively be made, and shall be paid, applied,

Appropriation of Costs when levied.

applied, and disposed of, so far as the same will extend, in defraying and reimbursing the Costs, Charges, and Expences which shall have been so incurred as aforesaid, subject to such Order and Disposition of the said Commissioners, as they or any Six or more of them shall deem to be just and reasonable.

Commissioners of Sewers may sue and be sued in the Name of their Clerk.

LVII. And be it further enacted, That Commissioners of Sewers may sue and be sued at Law or in Equity for or concerning any Matter or Thing whatever, or for or relating to the Lands and Hereditaments or other Property vested or to become so vested in them as aforesaid, or to any River, Stream, Sewer, Wall, Bank, or other Work or Matter within or under the View, Cognizance, Management, or Jurisdiction of such Commissioners, in the Name of any One Commissioner, or in the Name of their Clerk for the Time being; and in any Action or Actions of Ejectment which shall or may be brought or prosecuted by the said Commissioners for recovering the Possession of such Houses, Buildings, or other Property so vested in them as aforesaid, it shall be sufficient to lay the Demise in such Action or Actions in the Names of Six Commissioners, or in the Name of such Clerk; and no Action or Suit to be brought or commenced by or against the said Commissioners or the said Clerk in manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Commissioners or of such Clerk, or by the Expiration of any Commission of Sewers or other Authority under which the said Commissioners or Clerk may act as aforesaid; provided that no Execution shall issue or be had in any such Action or Suit against such Commissioners or Clerk until Six Months shall have elapsed after final Judgment in such Action or Suit shall have been obtained.

Clerks and Commissioners to be reimbursed.

LVIII. Provided always, and be it further enacted, That every such Clerk in whose Name any such Action or Suit shall be brought, commenced, or sued, and every such Commissioner of Sewers whose Name shall be used in any Bill, Information, Prosecution, or Indictment, in pursuance of this Act, and that every such Commissioner of Sewers in whose Name the said Commissioners shall so sue or be sued as aforesaid, shall be fully reimbursed and paid all such Costs, Charges, Damages, and Expences as by the event or in consequence of any such Action, Suit, Bill, Information, Indictment, or Prosecution he shall pay, sustain, or be put unto, or become chargeable with or liable to by reason of his being Plaintiff or Defendant as aforesaid, or his Name being used as aforesaid, by and out of the Monies that shall be in or come to the Hands of the said Clerk or of the Treasurer or Expenditor for the Time being as such Clerk, Treasurer, Expenditor, or by and out of the Monies to arise and be collected by a Scot, Rate, or Tax to be granted, raised, and levied, under the Authority and Direction of the said Commissioners of Sewers having Authority to raise and levy such Scot, Rate, or Tax, or such of them as shall be authorized to act on behalf of themselves and the others, as the Case may be, on the scotable, rateable, or taxable Lands, Tenements, and Hereditaments, the District for which he or they so acts or act, or hath or have acted as Clerk as aforesaid, or for which he is so authorized to act as aforesaid; and which said Scot, Rate, or Tax may be levied and raised under and by virtue of this Act for the Purposes aforesaid.

LIX. Pro-

Clerk, being Plaintiff, may be a Witness.

LIX. Provided always, and be it further enacted, That the Clerk being the Plaintiff, Prosecutor, or Defendant in any such Actions, Suits, Proceedings, Prosecutions, or Indictments as aforesaid shall not affect the Competency of such Clerk to be a Witness in any such Actions, Suits, Prosecutions, and Indictments, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Prosecutor, or Defendant in any such Actions, Suits, Proceedings, Prosecutions, or Indictments.

Rule for the Interpretation of certain Words and Terms of this Act.

LX. And be it further enacted, That the Words "Court" and "Court of Sewers" in this Act shall respectively be deemed to mean every Court, Sessions, Assemblage, or Meeting of any Six or more Commissioners of Sewers (Three whereof being of the Quorum) named in any Commission of Sewers, and acting in the Execution thereof; and wherever in this Act any Word or Words is or are used or employed importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as one Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

This Act not to prejudice any Local Act.

LXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect, alter, abridge, or interfere with any Local or Private Act of Parliament for Sewers concerning any County, City, Town, District, Lands, or Limits, or any Commission of Sewers in the County of *Middlesex*, within the Distance of Ten Miles from the *Royal Exchange* in the City of *London*, except such Parts of the said County as may lie within any Commission of Sewers of the County of *Essex*; or to affect, alter, abridge, or interfere with any Navigable River, Canal, Port, or Harbour under the Management or Power of any Commissioners, Trustees, or Proprietors by virtue of any Local or Private Act of Parliament; or to affect, alter, abridge, or interfere with any Charter, Law, Usage, or Custom in or concerning *Romney Marsh* in *Kent*, or the Great Level of the Fens called *Bedford Level*.

Saving Rights of the City of London.

LXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, or in anywise affect, alter, abridge, or interfere with the Commissioners of Sewers of the City of *London* and Liberties thereof, or the Rights, Powers, or Privileges of the Mayor and Commonalty and Citizens of the City of *London*, in relation to the Sewers, Drains, Vaults, and Bridges within the said City or Liberties, or any Act or Acts of Parliament heretofore made for making, amending, defending, widening, altering, or cleansing the said Sewers, Drains, Vaults, and Bridges within the said City and Liberties.

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