CAP. XLV.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers.*

[21st *June* 1841.]

'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 was also amended by an Act passed in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers:* And whereas by the last-recited Act certain Payments and Recompences to Clerks and other Persons employed by the Court, and also to Witnesses, and also certain Costs, Charges, and Expences to be incurred in surveying, measuring, planning, and valuing any Lands and Hereditaments, or otherwise preparatory to or in or about the making, collecting, and expending certain Taxes, Rates, and Scots to be raised under or by virtue of the said recited Acts, or any or either of them, 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 said recited Acts, and for the Payment of all other necessary Allowances, Charges, and Expences of putting the said several recited Acts into execution, and the contingent Expences of working the Commission of Sewers, are authorized and directed to be paid and allowed out of the said Taxes, Rates, and Scots, but the Powers in some Cases are not found sufficient to make, assess, or levy any Taxes, Rates, or Scots which could or might be applied to the several Purposes aforesaid, or any of them; and it is expedient that sufficient Power should be given to the Courts of Sewers for that Purpose:' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Court of Sewers, for all or any of the Purposes aforesaid, but

23 H. 8. c. 5.

3 & 4 Ed. 6. c. 8.

13 Eliz. c. 9.

3 & 4 W. 4. c. 22.

Courts of Sewers empowered to raise Money by Tax.

but for no other Purpose whatsoever, from Time to Time, as often as Occasion shall require, to tax in the Gross, in each Parish, Township, or Place, such Lands and Hereditaments which heretofore have been or hereafter shall be within or partly within the Jurisdiction of such Court, but so that such Lands and Hereditaments shall contribute thereto in proportion to the Benefit and Advantage received, or capable to be received, from the said Court, as compared with the Lands and Hereditaments of the other Parishes, Townships, or Places within such Jurisdiction, which said Tax shall be denominated the General Sewers Tax, and shall be recovered and recoverable by Distress and Sale in like Manner and by all such Ways and Means as any Fine or Amerciament imposed on a Parish or Township by a Court of Sewers is now by Law recoverable; but no Distress for such General Sewers Tax shall be replevied by any Sheriff, Under Sheriff, Judge, or Court of Law or Equity whatsoever.

Courts of Sewers may order the Apportionment and Collection of the Tax.

II. And be it enacted, That it shall and may be lawful for any Court of Sewers to direct and authorize any Surveyor or other Person to apportion such General Tax among the Occupiers of the Lands and Hereditaments in each such Parish, Township, or Place which heretofore have been or hereafter shall be within or partly within the Jurisdiction of such Court of Sewers, in such Proportions and upon such Individuals as of right ought to pay the same; and such Tax, when so apportioned, shall be collected by some Person as shall be appointed by the Court for that Purpose, and shall be by such Person paid over to the Treasurer of or other Officer appointed by the Commissioners of Sewers at such Time as the Court of Sewers shall direct; provided that every Occupier upon whom such General Sewers Rate shall be apportioned shall have Notice in Writing of such Apportionment Ten Days at the least before the next Court of Sewers to be held within the Limits in which the Lands and Hereditaments to be taxed shall be.

General Sewers Tax and Apportionment to be final, if not complained against at the next Court.

III. And be it enacted, That in case no Complaint shall be made against such general or apportioned Sewers Tax at the Court of Sewers held next after the Expiration of Ten Days after such Notice of Apportionment shall be made as aforesaid, such General Sewers Rate, and such Apportionment thereof, shall respectively be final and conclusive on all Parties whomsoever; but in case of any Complaint of Inequality or Non-liability to pay the said General Sewers Rate, or such Apportionment thereof respectively, the Commissioners shall at such Court, or at some Adjournment thereof, or at some subsequent Court, proceed to investigate the same, by the Examination of such Witnesses as the Parties interested therein shall produce, or by the Examination of such other Witnesses as to the said Court shall seem right; and the Decision of such Court as regards such General Sewers Rate and such Apportionment thereof respectively shall be final; and such apportioned Rate shall be recoverable by Distress and Sale of the Effects of the Persons respectively rated, by Warrant under the Hands and Seals

Seals of Six of the Commissioners of Sewers, but no Distress for such apportioned Rate shall be replevied by any Sheriff, Under Sheriff, Judge, or Court of Law or Equity whatever; nevertheless the Court of Sewers shall be empowered to direct any feigned Issue, Appeal, or Action at Law, to try any Dispute which may arise as to the Inequality, or Non-liability of any Person to pay the said General Sewers Tax, or the said Apportionment thereof, the Person so objecting to the Payment thereof having first given Security to the said Court for the Payment of all Costs and Charges attendant thereon.

Power to borrow and take up Money at Interest for general Purposes.

IV. 'And whereas certain Payments, Allowances, and Expences authorized by the said recited Act of His said late 'Majesty King *William* the Fourth may have been and may be 'made and incurred before any General Sewers Rate can be 'recovered;' be it therefore enacted, That it shall and may be lawful for Courts of Sewers from Time to Time to borrow and take up at Interest any Sum or Sums of Money for the several Purposes aforesaid, or any of them; and the Repayment of such Sum and Sums of Money, with Interest, shall from Time to Time be secured to the Parties or Party lending the same, their, his, or her Executors, Administrators, and Assigns, upon or by virtue of a Decree or Ordinance under the Hands and Seals of the Commissioners of Sewers, or any Six of them, (which Decree and Ordinance the said Court is hereby required to make,) charging the General Sewers Rates, or any of them, to be raised under and by virtue of this Act, with the Payment of such Sum and Sums of Money, with Interest: Provided always, 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 as aforesaid shall be repaid within a Time to be named in such Decree or Ordinance, not being a longer Period than Seven Years from the making thereof, by equal annual or shorter Instalments, together with the 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 or 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.

Provision for Repayment.

Courts of Sewers may grant Securities to Persons advancing Money.

V. 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 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 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 the particular General Sewers Rate which is 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 Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], we, the undersigned, being Six of the Commissioners [*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 Treasurer*] lent and paid by do hereby certify, that the several General Sewers Rates to be made and levied within [*here insert the Name of the District or Level*] under and by virtue of the said Act 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. In witness whereof we have hereunto set our Hands and Seals the Day of .'

Securities may be transferred.

VI. And be it 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, her, or their Right, Title, Interest, or Benefit to the said Principal and Interest Money thereby secured to any Person whatsoever, by endorsing 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 the 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 Commis-

Commissioners of the Particulars of every such Transfer, and endorse 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 recompense Jurymen.

VII. And be it enacted, That it shall be lawful for any Court of Sewers, by and out of the Rates and Scots raised and to be raised under or by virtue of any Commission of Sewers, to decree, order, appoint, allow, and pay to any Juryman summoned to attend and attending any Court of Sewers, such Allowance and Recompence for his Expences and Loss of Time as to such Court shall seem just.

Courts of Sewers may amend or quash Rate on Appeal.

VIII. And be it enacted, That on all Appeals from any Rate made under the Authority of any Commission of Sewers it shall be lawful for the Court before which such Appeal shall be made to amend such Rate, either by inserting therein or striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think just, without quashing such Rate: Provided nevertheless, that if the Court shall be of opinion that the Rate should be quashed, then the said Court may quash the same.

Rated Persons not incompetent Witnesses.

IX. And be it enacted, That no Person rated or liable to be rated to any Tax, Rate, or Scot under or by virtue of any Commission of Sewers, or any Commissioner of Sewers, shall be deemed an incompetent Witness before any Court of Sewers.

How Chairman shall be chosen.

X. And be it enacted, That if any Difference shall arise upon the Choice of a Chairman at any Court or Meeting of Commissioners of Sewers, such Chairman shall be chosen by the Majority of Commissioners present thereat; and in case there shall be an equal Number of Votes upon such Choice, then such One of the Persons proposed whose Name shall stand first in the Commission under which such Court or Meeting is holden shall be the Chairman thereof; and the Chairman of every such Court or Meeting, in all Cases of an equal Number of Votes upon any Question or Matter (including his own Vote), shall have a casting or decisive Vote.

Commissioners of Sewers to hold Meetings.

XI. And be it enacted, That it shall be lawful for the Commissioners acting under any Commission of Sewers to hold Courts and Meetings of Commissioners of Sewers at any Place not being a greater Distance than Ten Miles from any Part of the Limits or District within their Jurisdiction under such Commission.

Regulating Meetings of Commissioners of Sewers.

XII. And be it enacted and declared, That in all Cases when it hath happened or may hereafter happen that a sufficient Number of Commissioners of Sewers to constitute a Court or Meeting shall not have met or shall not meet on the Day appointed for holding any such Court or Meeting, and in all Cases where any such Court or Meeting shall not have been or shall not be duly adjourned by the Majority of Commissioners present thereat, it shall be lawful for any One or more of the Commissioners named in such Commission, by some Writing under his

or their Hands, to appoint a Court or Meeting of such Commissioners to be holden at such Time and Place as he or they may think fit, of which Court or Meeting Ten clear Days Notice shall be given by Advertisement inserted in some Newspaper circulated in the County into which such Commission shall run, and when the same shall run into more than One County, then in some Newspaper circulated in each of such Counties, and that the Majority of Commissioners present at any Court or Meeting (notwithstanding the whole Number present be less than Six) may adjourn and are hereby authorized and empowered to adjourn the same respectively to any future Day and to such Place as to them may seem fit, and that the Commissioners present at any Court or Meeting so appointed as aforesaid, or at any such adjourned Court or Meeting as aforesaid (the whole Number present not being less than Six), or the Majority of them, shall and may exercise and perform all the Powers, Authorities, and Duties vested in such Commissioners under or by virtue of any Commission of Sewers.

Saving Powers of Courts of Sewers under recited Acts.

XIII. And be it enacted, That nothing in this Act contained shall prevent any Court of Sewers from executing all or any of the Powers and Provisions usually heretofore exercised under or by virtue of the said recited Acts, or any or either of them, or the Law of Sewers of old Time accustomed.

Indemnities, &c. of 3 & 4 W. 4. c. 22. extended to this Act.

XIV. And be it enacted, That all Indemnities, Immunities, and Liabilities given to or imposed upon Commissioners of Sewers and other Persons in and by the said recited Act, passed in the Third and Fourth Years of His said late Majesty King *William* the Fourth, shall be deemed and construed to extend to all Persons acting in the Execution of this Act.

This Act not to prejudice any Local Act.

XV. And be it 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 for 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*, or any Lands, Banks, Waters, Watercourses, Sluices, Bridges, Drains, or Works belonging to or under the Jurisdiction, Power, or Control of the Commissioners of the North Level and *Portsand*, in the Counties of *Cambridge*, *Northampton*, and *Lincoln*, or of the Commissioners of the *Nene* Outfall in the Counties of *Cambridge*, *Lincoln*, and *Norfolk*, or of their Committees respectively.

Saving the Rights of the City of London.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or in anywise affect,

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 heretofore passed for making, amending, defending, widening, altering, or cleansing the said Sewers, Drains, Vaults, and Bridges within the said City and Liberties.

Guarding the Powers of the Commissioners of Sewers for Westminster, &c.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, or be held or construed to prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, any of the Rights, Privileges, Jurisdictions, Powers, and Authorities vested in or belonging to the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, but that all such Rights, Privileges, Jurisdictions, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

Saving Rights of Bedford Level Corporation.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, invalidate, lessen, or diminish, alter or take away, any of the Rights, Powers, Privileges, and Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, by virtue of an Act passed in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens called* Bedford Levels, or by any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, and in every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been passed.

CAP. XLVI.

An Act to empower the Commissioners for the Issue of Exchequer Bills for public Works to complete the Works authorized to be made by an Act of the Sixth and Seventh Year of His late Majesty King *William* the Fourth, "for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*;" and to extend the Time for that Purpose.

[21st *June* 1841.]

'WHEREAS an Act was passed in the Ninth Year of the 'Reign of His late Majesty King *George* the Fourth, 'intituled *An Act for making and maintaining a navigable Cut* 9 G. 4. c. cxviii.

'*or*