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An Act for further amending the Laws relating to Sewers. [28th *July* 1849.]

WHEREAS considerable Inconvenience and Expense are found to arise from the inefficient State of the Laws relating to Sewers, and it is expedient that the same should be amended, and that further Provision should be made for the Execution of the Powers vested in Commissioners of Sewers: And whereas it is expedient that certain Duties with respect to the Superintendence, Maintenance, and Repairs of the Sewers within the respective Commissions of Sewers in *England* should be discharged by the Occupiers of sewable Lands within each Commission respectively without Fee or Reward: And whereas it is also expedient that further Provision should be made for the making and enforcing the due Payment of Sewers Rates duly assessed: Be it therefore 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 the Commissioners acting in the Execution of any Commission of Sewers in *England*, at a Court specially to be holden for such Purpose, and whereof Notice shall be given in the Manner prescribed by the Ninth Section of 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*, from Time to Time to partition the several Districts within their respective Commissions into such Sub-Districts as may appear to them most convenient for the Purposes of this Act, and to fix and specify the Boundaries of such

Power to Commissions of Sewers to partition Districts into Sub-Districts.

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such Subdivisions respectively, and also to unite any separate Districts or Sub-Districts within their respective Commissions into One or more Districts, and also, from Time to Time as to them shall seem expedient, to re-arrange, adjust, and partition such Districts and Sub-Districts respectively.

Power to Commissioners to make a separate Rate for each District.

II. And be it enacted, That it shall be lawful for the said Commissioners, after every such Partition, Union, or Re-arrangement of Districts or Sub-Districts as aforesaid, from Time to Time as to the said Commissioners shall seem most expedient, to make a separate and distinct Rate for each and every District or Sub-District now existing or which shall be hereafter constituted under the Provisions of this present Act, such Rate, when collected, to be applied within each such District or Sub-District to and for the several Purposes to which the same may be lawfully applied under the Authority of any of the Acts relating to Sewers or of this Act.

Power to Commissioners to appoint Dyke-reeves for Districts and Sub-Districts.

III. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint One or more competent Person or Persons, being an Occupier of sewable Lands within their respective Commissions, and qualified as herein-after mentioned, to act as Dyke-reeve within each of such Sub-Districts as aforesaid, and also within each of such Districts as are now existing or shall be hereafter constituted under the Provisions of this present Act or the herein-before mentioned Act, and which shall not be partitioned in manner aforesaid, and to assign and prescribe the Duties and Authorities of such Dyke-reeve, and the Time, not exceeding Five Years, during which he shall perform and exercise the same respectively.

Qualification of Dyke-reeves.

IV. And be it enacted, That every Occupier of not less than Ten Acres of sewable Lands, and being of full Age and sound Mind, shall be qualified and liable to be appointed a Dyke-reeve for the District or Sub-District in which such Lands shall be situate; and the said Commissioners shall from Time to Time cause a full and true List to be prepared and kept of all the Persons so qualified and liable to serve the Office of Dyke-reeve for the several Districts and Sub-Districts within their respective Commissions.

Persons appointed Dyke-reeves compelled to serve Office without Fee or Reward.

Penalty on Dyke-reeves refusing to serve.

V. And be it enacted, That it shall be compulsory upon every such Person who shall be appointed by the Commissioners to serve the Office of Dyke-reeve for any such District or Sub-District as aforesaid, either personally or by a Deputy (approved by the Commissioners); to accept such Office, and to perform and discharge the Duties thereof, without Fee or Reward; and if any Person who shall be appointed by the Commissioners to serve the Office of Dyke-reeve shall, after due Notice thereof in Writing, refuse or neglect to take upon himself the Office of Dyke-reeve, or to provide a Deputy to be approved as aforesaid, he shall on Conviction before the said Commissioners forfeit any Sum not exceeding Twenty Pounds, unless he can show good and sufficient Cause to the said Commissioners why he should not be called upon to serve the said Office: Provided always, that every Deputy so approved of and appointed shall have the same Powers and

Authorities, and be subject to the Discharge of the same Duty, as any Dyke-reeve appointed under the Authority of this Act.

Power to Commissioners to impose Fines not exceeding 40*s.*

VI. And be it enacted, That it shall be lawful for the said Commissioners to impose any Fine not exceeding Forty Shillings, upon the Presentment on Oath of any Dyke-reeve acting within any such District or Sub-District as aforesaid, for any Breach of the Law, Acts, Decrees, Orders, Constitutions, and Ordinances of the Commissioners within such District or Sub-District, in the same Manner as they have now the Power to impose any such Fine upon the Presentment of any Sewers Jury, Bailiff, Surveyor, Expenditor, or other Person, which Presentment shall be heard and determined by the said Commissioners, and to proceed for the Recovery of every such Fine, either in the Manner specified in the herein-before mentioned Act, or in the Manner specified in the Section next herein-after contained, as to the said Commissioners shall seem most expedient; and no such Fine shall be liable to be traversed, any Law or Custom to the contrary notwithstanding.

For Recovery of Sewers Rates and Fines.

VII. And be it enacted, That for the Purpose of better collecting and recovering the Fines, Amerciaments, Penalties, or Forfeitures imposed by any Commissioners of Sewers, and also the Sewers Rates duly assessed on any sewable Lands lying within the Limits of any Commission of Sewers, it shall and may be lawful for any One Commissioner acting within and for such Limits, upon Complaint of any Expenditor, Dyke-reeve, Collector, or other Officer of Sewers, that any Person liable to the Payment of any such Fine, Amerciament, Penalty, or Forfeiture hath not paid the same, but hath refused so to do, or that any Person duly rated and assessed in One or more such Sewers Rates hath not paid the Sum or Sums thereby charged on such Person, but hath refused so to do, to issue his Summons to such Person to appear, at a Time and Place to be therein specified, before any Two Commissioners acting within and for such Limits, to show Cause why such Person refuses to pay the said Sum or Sums; and upon the Appearance of such Person at the Time and Place appointed as aforesaid, or otherwise upon Proof on Oath or Affirmation to the said Commissioners that such Summons was served on the Person to whom it was so directed, by Delivery to the Party personally or by leaving the same with some Person for him at his last Place of Abode, and also upon like Proof of the Imposition of such Fine, Amerciament, Penalty, or Forfeiture, or of the making of the said Rate, and of the Refusal of such Person to pay the same respectively, it shall be lawful for the said Two or other Commissioners to issue their Warrant to levy the said Sum or Sums, and also the Costs and Expenses incurred in obtaining such Warrant (to be specified therein) and in executing the same, by Distress and Sale of the Goods and Chattels of such Person; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and Costs, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose

whose Goods shall have been distrained: Provided always, that if no such Distress or Distresses as aforesaid can be found, the same Rates or Fines, Costs, Charges, and Expenses, 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 Distress Warrant shall be issued, of or belonging to the Person, Body Politic or Corporate, upon or against whom the Distress Warrant shall be issued, 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 Rates or Fines, Costs, Charges, and Expenses, 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 Rates or Fines, Costs, Charges, and Expenses, were a lawful Scot, Rate, or Assessment as aforesaid and unpaid.

One Warrant may issue against several Rate-payers.

VIII. And be it enacted, That for the Saving of Expense in the levying of any Sum or Sums as aforesaid it shall be lawful to make and issue One Summons and One Warrant of Distress against any Number of Persons refusing to pay the same.

To whom Warrants to be directed.

IX. And be it enacted, That the Warrant aforesaid may be directed to the Bailiff, Expenditor, Dyke-reeve, Collector, or other Sewers Officer within such Limits, and to any other Person or Persons, or to any One or more of them, as by the Two Commissioners of Sewers granting the same shall be deemed fit.

Interpretation of certain Terms.

X. And be it enacted, That for the Purposes of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject Matter or Context repugnant to such Construction; (that is to say,) Words importing the Singular Number shall extend to the Plural, and Words importing the Plural only shall include the Singular; the Word "Person" shall extend to Bodies Politic, Corporate, or Collegiate; the Word "Lands" shall include Lands and Hereditaments of any Tenure whatsoever; the Word "Oath" shall include Affirmation in case of a Quaker, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath; the Expression "District" shall extend to any Level, Valley, District, or Limit within the Commission of any Court of Commissioners, and the Expression "Sub-District" to any Partition or Subdivision of any such Level, Valley, District, or Limit.

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