3. In any Case where any such Licence has been granted by the said Commissioners, if it shall appear to the said Commissioners that the Licencee under such Licence, or his Assigns, within the Period of Three Years after the passing of this Act has not taken proper Steps to form the Oyster Bed or Laying in such Licence mentioned, then and in such Case it shall be lawful for the said Commissioners or any Two of them, by an Order in Writing under their Hands, to revoke such Licence, and thereupon all the Rights and Privileges by such Licence shall cease and determine: Provided always, that previously to the making of such Order the said Commissioners shall cause a Notice in Writing, stating their Intention to make such Order, to be served upon the Person for the Time being entitled to such Licence, or in case such Person cannot be found, the Commissioners shall cause such Notice to be inserted as an Advertisement Three Times at least in some Newspaper circulating in the District; and no such Order shall be made till after the Expiration of One Month from the Service of such Notice, or from the Date of the last of such Advertisements, which shall last happen.

Power to Commissioners to revoke Licences in certain Cases.

4. A copy of the Licence, certified by the Commissioners or their Secretary, shall be received as Evidence of the original Licence, and shall be of the same Effect as if the original Licence were produced.

Certified Copy of Licence to be Evidence.

5. This Act shall be read together and construed as One Act with the said Acts now in force for the Regulation of the Fisheries in *Ireland*.

This Act to be read together with former Acts.

6. From and after the passing of this Act the Eighteenth Section of the Eighth and Ninth *Victoria*, Chapter One hundred and eight, and the Forty-second Section of the Thirteenth and Fourteenth *Victoria*, Chapter Eighty-eight, shall be and the same are hereby repealed.

Sect. 18. of 8 & 9 Vict. c. 108. and Sect. 42. of 13 & 14 Vict. c. 88. repealed.

CAP. LXXXIX.

An Act for vesting in the Conservators of the River *Thames* the Conservancy of the *Thames* and *Isis* from *Staines* in the County of *Middlesex* to *Cricklade* in the County of *Wilts*; and for other Purposes connected therewith. [6th *August* 1866.]

'WHEREAS the Preservation and Improvement of the Stream Bed and Banks of the upper Part of the *Thames* is an Object of great local and public Importance:

'And whereas by the Acts described in the First Schedule to this Act (to which Acts the Expression "the Upper Navigation Acts" where used in this Act refers, and which Acts, or some of them, are severally referred to in this Act by the respective short Descriptions in the same Schedule contained) certain Powers for the Maintenance and Improvement of the Navigation of the *Thames* from *Staines* in the County of *Middlesex* to *Cricklade* in the County of *Wilts* were vested in Commissioners (in this Act called the Upper Navigation Commissioners):

'And whereas by the Upper Navigation Act of 1795 the following Persons are appointed the Upper Navigation Commissioners, namely,—

'"The Representatives in Parliament for the Counties of *Wilts, Gloucester, Oxford, Berks,* "and *Bucks,* and for all Cities and Towns within the same, and for the University of "*Oxford;* the Representatives in Parliament for the Counties of *Middlesex* and "*Surrey,* and for the Cities of *London* and *Westminster,* and the Borough of "*Southwark;* the Lord Mayor and Aldermen of the City of *London,* the Vice-"Chancellor and Heads of Colleges and Halls in the University of *Oxford,* the Dean "and Canons of *Christ Church,* the Dean and Canons of *Windsor,* the Provost and "Fellows of *Eton College,* the Rectors and Incumbents of the several Parishes that "border upon the *Thames* and *Isis* on both Sides from *Staines* to *Cricklade;* the "Mayors and Recorders of *Oxford, Abingdon, Wallingford, Reading, Henley, Maiden-*

' " *head*, and *Windsor*; the Senior Bridgewarden of *Great Marlow*, and the Clerk of
' " His Majesty's Board of Works residing at *Windsor Castle* for the Time being;
' " and also every Person being seised in his own Right or in right of his Wife of
' " Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the Value
' " of One hundred Pounds *per Annum* in the Counties of *Wilts*, *Gloucester*, *Oxford*,
' " *Berks*, and *Bucks*, or being Heir Apparent of some Person having such Estate of
' " the clear yearly Value of Two hundred Pounds; and every Person who does or
' " shall reside in either of the said Counties of *Wilts*, *Gloucester*, *Oxford*, *Berks*, and
' " *Bucks* being seised of Lands, Tenements, or Hereditaments as aforesaid to the
' " Value of One hundred Pounds *per Annum* in *Great Britain*, or being Heir
' " Apparent of some Person having such Estate of the yearly Value of Two hundred
' " Pounds, or possessed of Personal Estate to the Value of Three thousand Pounds,
' " or being a Holder of Loans on the said Navigation to the Amount of Five hundred
' " Pounds:"

' And whereas the Upper Navigation Commissioners thus appointed are inconveniently ' numerous, and not being a Body Corporate they are ill-constituted and are individually ' exposed to Liabilities in respect of their Contracts and Acts, and their Powers are ' inadequate for the efficient Performance of the Duties assigned to them:

' And whereas many of the Locks and Works under their Control are in a very bad and ' dangerous Condition, and in consequence thereof and of other Causes the Traffic on the ' Part of the *Thames* under their Authority and their Receipts from Tolls leviable in ' respect of that Traffic are greatly diminished, and their Income is and has long been ' insufficient to defray the necessary Expenses of the Repair and Maintenance of the Locks ' and Works, and they some Time ago discharged all or many of the Workmen employed ' by them, and reduced the Salaries of their Officers:

' And whereas if the Duties of the Conservancy of the upper Part of the *Thames* were ' efficiently performed, and the Locks and Works on the Navigation were restored and ' kept in good Order, and Tolls were levied on a moderate Scale and under convenient ' Regulations with respect to through booking of Goods and other Matters, the Traffic on ' the Navigation and the Income derivable therefrom would considerably increase:

' And whereas the Conservancy of a Portion of the upper Part of the *Thames* above the ' Flow of the Tide, namely, from *Teddington Lock* in the County of *Middlesex* to *Staines*, is ' vested in the Conservators of the River *Thames* (to whom the Term " the Conservators " ' where used in this Act refers):

' And whereas it is expedient, with a view both to Economy and to Efficiency, that the ' whole of the navigable Part of the *Thames* be placed under One Management, and that ' accordingly the Authority of the Upper Navigation Commissioners be discontinued, and ' the Conservancy of the *Thames* from *Staines* to *Cricklade* be vested in the Conservators ' with the Powers in this Act expressed or referred to, Provision being made for the Election ' of Conservators as Representatives of the Persons qualified to act as Commissioners under ' the Upper Navigation Acts, and also for the Appointment of a Conservator by the Board ' of Trade in addition to the One now appointed by them:

' And whereas certain Owners and Occupiers of Locks, Dams, and Weirs in the Upper ' Navigation are or claim to be entitled to demand and receive Tolls on the Traffic on the ' Navigation, and are subject to the Obligation of keeping in repair those Locks, Dams, and ' Weirs, and it is expedient that (subject to the Provisions in this Act contained) the Traffic ' be relieved from those Tolls, and the Owners and Occupiers of those Locks, Dams, and ' Weirs be discharged from the Obligation of keeping them in repair:

' And whereas certain Owners and Occupiers of Mills on the Banks of the *Thames* above ' *Staines* have or claim Rights of drawing off and otherwise interfering with the Water of ' the River, to the great Prejudice of the Navigation, and it is expedient that the Exercise ' of those Rights be restricted and regulated as in this Act provided:

' And whereas certain Persons have or claim a Right or Privilege to fish with Nets or ' Bucks in Parts of the *Thames* above *Staines*, and to draw down the Water of the River ' for that Purpose, to the great Prejudice of the Navigation, and it is expedient that any ' Right of drawing down Water for that Purpose be abolished:

' And

'And whereas it is expedient that Provision be made in this Act for preventing the 'Pollution of the *Thames* between *Cricklade* and *Staines*, and that Application for another 'Act for preventing the Pollution of the *Thames* between *Staines* and the Western Boun- 'dary of the District under the Authority of the Metropolitan Board of Works be made to 'Parliament by the Conservators:

'And whereas the Companies constituted for supplying Water within the Metropolis, 'and drawing Water for that Purpose from the *Thames*, namely, the Governor and Com- 'pany of *Chelsea* Waterworks, the Company of Proprietors of *Lambeth* Waterworks, the '*Grand Junction* Waterworks Company, the *Southwark* and *Vauxhall* Water Company, 'and the Company of Proprietors of the *West Middlesex* Waterworks (in this Act referred 'to as the Five Metropolitan Water Companies), have, in consideration of the Benefits 'which will accrue to them from this Act and the other Act so to be applied for, consented 'to contribute as in this Act provided:

'And whereas the Upper Navigation Commissioners have borrowed large Sums of 'Money under the Upper Navigation Acts on Mortgage Security, and there now remains 'due by them in respect thereof the Sum of Eighty-eight thousand Pounds or thereabouts, 'but the Income of the Commissioners is and has long been insufficient to keep down the 'Interest thereon, so that the Rate of Interest paid was for some Years gradually reduced 'until Payment of Interest ceased, and considerable Sums are now due by the Commis- 'sioners for Arrears of Interest:

'And whereas it is expedient that the Mortgage Debt contracted by the Commissioners 'be postponed to any Mortgage Debt to be contracted by the Conservators, and that the 'Arrears of Interest aforesaid be extinguished, and that other Provisions be made 'respecting the Mortgage Debt contracted by the Commissioners as in this Act expressed:' 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, as follows:

Preliminary.

1. This Act may be cited as The *Thames* Navigation Act, 1866. Short Title.

2. In this Act— Interpretation of Terms.

The Term "the *Thames*" or "the River" means (unless a different Meaning is expressed or implied) the River *Thames* or Rivers *Thames* and *Isis* from the City Stone near *Staines* to *Cricklade*:

The Term "the Conservancy Acts" means The *Thames* Conservancy Acts, 1857 and 1864: 20 & 21 Vict. c. cxlvii. 27 & 28 Vict. c. 113.

Terms to which Meanings are assigned by the Conservancy Acts, or either of them, or which have therein special Meanings, have in this Act the same respective Meanings.

Addition of Five Conservators.

3. In addition to the existing Number of Eighteen Conservators of the River *Thames* constituting the Body Corporate of the Conservators, there shall be Five other Conservators who shall (subject to the Provisions of this Act) severally have and be subject to all the same or the like Powers, Functions, Duties, Privileges, Obligations, Disabilities, and Disqualifications as the Eighteen Conservators aforesaid severally have or are subject to under the Conservancy Acts. Appointment of Five additional Conservators.

4. The Five Conservators added by this Act shall be incorporated with the existing Body Corporate of the Conservators of the River *Thames*, and shall with the Eighteen Conservators aforesaid constitute and be One and the same Body Corporate, in like Manner in all respects as if by the Conservancy Acts Provision had been made for the Appointment of the Five Conservators added by this Act, and their Incorporation with and as Members of the Body Corporate constituted by The *Thames* Conservancy Act, 1857. Conservators added by this Act incorporated with existing Body.

5. All

Conservancy Acts, &c. to remain unaffected.

5. All the Provisions of the Conservancy Acts or of any other Act relative to the Powers, Functions, Duties, Privileges, Obligations, or Proceedings of the Conservators as a Body, and all Acts and Proceedings done, taken, or pending by, against, or in relation to the Conservators as a Body, shall remain unaffected by the Addition to and Incorporation with that Body of the Five Conservators added by this Act, and (except only as is in this Act expressly otherwise provided) shall in all respects continue and be as if this Act had not been passed.

One of the Five Conservators to be appointed by Board of Trade.

6. Of the Conservators added by this Act One shall be appointed by the Board of Trade; and the Provisions of The *Thames* Conservancy Act, 1857, relative to the Conservator appointed by the Board of Trade under that Act, shall extend and apply to the Conservator appointed by them under this Act.

Constituencies for Election of Four Conservators.

7. Of the Conservators added by this Act Four shall be elected by such Persons as for the Time being respectively possess some One or more of the Qualifications required for Upper Navigation Commissioners, and as before the passing of this Act have taken and subscribed the Oaths or Affirmations by the Upper Navigation Act of 1795 required to be taken and subscribed by them respectively so as to be authorized to act as Upper Navigation Commissioners if this Act had not been passed, or as after the passing of this Act make and sign at a Conservancy Meeting a Declaration of Qualification in the Form given in the Second Schedule to this Act, or as after the passing of this Act deliver to the Secretary of the Conservators such a Declaration made and signed in the Presence of and attested by a Justice of the Peace, or an Attorney or Solicitor of One of the Superior Courts at *Westminster*.

Time for First Elections.

8. On or within Seven Days after the First Day of *December* One thousand eight hundred and sixty-six Elections shall be held for the Four elective Conservators added by this Act.

Time for subsequent Elections.

9. On or within Seven Days after the First Day of *December* in the Year One thousand eight hundred and sixty-seven, and in every subsequent Year, Elections shall be held for filling up Vacancies among the Conservators elected under this Act.

Days, Hours, and Places for Elections.

10. The Days, Hours, and Places on and at which the Elections are to be held shall be appointed by the Conservators.

Notice of every such Appointment shall be published by the Conservators, and such Publication shall be completed as to each Election not less than Fourteen or more than Twenty-eight Days before the Day appointed for that Election.

Regulations by Byelaws.

11. Subject to the Provisions of this Act, the Conservators may from Time to Time, by Byelaw, regulate the Mode of conducting the Elections.

List of Electors.

12. The Electors shall be ascertained for the Purposes of each Election as follows, namely,—

(1.) On or as soon as may be after the First Day of *October* in the Year One thousand eight hundred and sixty-six the General Clerk to the Upper Navigation Commissioners, or in default of him a Person appointed by the Board of Trade, shall, under the Superintendence of the Board of Trade, and on or as soon as may be after the same Day in every subsequent Year the Secretary of the Conservators shall, under the like Superintendence, make out a List of the Persons entitled on each First Day of *October* to vote at the Election of a Conservator under this Act:

(2.) The List shall contain in alphabetical Order the Surnames of the Persons so entitled, with their Christian Names and Places of Residence or Business:

(3.) The List shall be signed in the Year One thousand eight hundred and sixty-six by the General Clerk or other Person aforesaid, and in every subsequent Year by the Secretary of the Conservators, and in each Case shall be countersigned by One of the Secretaries of the Board of Trade:

(4.) The List shall be completed on or within Seven Days after the First Day of *November* in each Year:

(5.) The

(5.) The Conservators shall pay to the General Clerk or other Person aforesaid all Expenses incurred by him in making the Lists, and such Remuneration (if any) as the Board of Trade think reasonable for making the same, and shall, if required, pay all Expenses incurred by the Board of Trade in superintending the making of the Lists:

(6.) The List shall be conclusive Evidence that the Persons therein named, and no others, are entitled to vote at the Election in the Month of *December* next after the List is made out:

(7.) Within Seven Days after the Completion of the List the Conservators shall cause it to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Each Elector to have One Vote.

13. Each Elector shall be entitled at each Election to One Vote and no more for each Conservator to be elected.

Qualification of Persons elected.

14. Every Male Person of full Age entitled to vote at any Election under this Act of a Conservator shall be qualified, and no other Person shall be qualified, to be elected a Conservator at that Election.

Vote to be given personally or by proxy.

15. A Vote at any Election may be given either by the Elector personally or by another Elector as his Proxy.

The Appointment of a Proxy shall be made by an Instrument in Writing (in the Form given in the Second Schedule to this Act, with such Variations as Circumstances require), signed by the Appointor, and attested by One Witness at least.

An Instrument appointing a Proxy shall not be used at any Election unless it has been deposited at the Office of the Conservators not less than Forty-eight Hours before the Day appointed for that Election.

Any such Instrument shall not be valid except for the Election next after the Date of its Execution.

Returning Officer and Return by him.

16. At the Elections the Deputy Chairman of the Conservators, and, in his Absence, such One of the Conservators as the Conservators appoint for the Purpose, shall be the Returning Officer.

The Returning Officer shall according to the best of his Judgment and Ability make a true Return in Writing to the Conservators of the Person or Persons elected, and every Person so returned shall be deemed duly elected.

If in any Case there is an Equality of Votes for Two or more Candidates for Election to fill One Vacancy there shall be deemed to be a Failure to elect.

Provision for Nondelivery of List.

17. In case any Election is prevented from being held in conformity with this Act by reason of any List by this Act required not being made out and completed in conformity with this Act, or by reason of any other Accident or Circumstance, there shall be deemed to be a Failure to elect.

Expenses to be paid by Conservators.

18. The Expenses incurred in obtaining or printing Lists of Electors, or in providing Places for Elections, or by the Returning Officer, or otherwise by or on behalf of the Conservators in relation to Elections under this Act, shall be deemed Part of the Expenses of the Execution of this Act, and shall be defrayed by the Conservators accordingly.

Mode of Publication of Notices, &c. by Conservators.

19. Where the Conservators are by this Act required to publish any Notice respecting Elections, they shall do so by inserting the same as an Advertisement once in each of Two successive Weeks in some daily Morning Newspaper published in *London* or *Middlesex*, and once in each of the same Weeks in some Newspaper published in the County of *Berks*; and the Publication shall be deemed to be completed on the Day on which the Second Advertisement in the last-mentioned Newspaper appears.

Duration of Office of additional Conservators.

20. One of the Four Conservators elected under this Act at the First Election shall go out of Office at the Second Election, One at the Third Election, One at the Fourth Election, and the Fourth at the Fifth Election.

The

The Conservators to go out at the Second, Third, and Fourth Elections respectively shall be determined by Agreement among or between those elected at the First Election and for the Time being in Office, or, in default of Agreement, by Lots drawn at a Conservancy Meeting by the Secretary of the Conservators.

The Conservator elected at the Second and every subsequent Election shall go out at the Fourth Election after his Election.

Every Conservator going out under this Section shall be re-eligible.

Appointment by Conservators in case of Failure to elect.

21. In case for any Reason on any Occasion there is a Failure to elect a Conservator in conformity with this Act, the Conservators shall, within One Month after such Failure, appoint as Conservator a qualified Person.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall, for the Purposes of this Act, in all respects be as if he had been elected in conformity with this Act.

Mode of supplying casual Vacancies.

22. Section Seven of The *Thames* Conservancy Act, 1857, shall not apply to a Conservator elected under this Act. If any such Conservator dies or resigns, or if his Office is vacated from any Cause other than that of his going out of Office by Effluxion of Time or by Rotation, the Conservators may, if they think fit, within One Month after the happening of such Vacancy, appoint in his Place a qualified Person.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall continue in Office only as long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Vacation of Office by Loss of Qualification.

23. If any Conservator elected or appointed by the Conservators under this Act ceases to possess the Qualification requisite for his Election or Appointment as a Conservator, his Office shall be thereby vacated.

Error in Elections not to vitiate Acts done.

24. Any Act of the Conservators or any of them shall not be invalidated or be illegal by reason of any Irregularity in the Election or Appointment under this Act of any Conservator, or by reason of the Non-delivery of, or the too late Delivery of, or any Error in, any List of Electors, or by reason of any Irregularity in the making or publishing of any such List, or by reason of any Person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any Failure or Omission on any Occasion to elect or appoint any Conservator under this Act, or by reason of any other Irregularity, Error, Failure, or Omission in or about any Election, or in or about any Matter preliminary or incidental thereto.

Transfer of Works, &c. to Conservators.

Transfer of Works, Powers, &c. of Upper Navigation Commissioners to Conservators.

25. Subject to the Provisions of this Act, the Locks, Canals, Works, Toll Houses, Real and Personal Property, Powers, Authorities, Privileges, Exemptions, Rights of Action and Suit, and all other the Rights and Interests of the Upper Navigation Commissioners, shall be and the same are hereby absolutely transferred to and vested in the Conservators of the River *Thames*, and the same may and shall be held, used, exercised, and enjoyed by the Conservators in the same Manner and to the same Extent as the same respectively at the passing of this Act are or if this Act had not been passed might be held, used, exercised, and enjoyed by the Upper Navigation Commissioners.

Upper Navigation Acts continued and applied to Conservators.

26. The Upper Navigation Acts shall (except as far as they are by this Act expressed to be varied or repealed) remain in full Force; and all Matters to be done, continued, or completed, or which but for the passing of this Act would, might, or could be done, continued, or completed by the Upper Navigation Commissioners, or any Committee of them, their Officers or Servants, under or by virtue of those Acts, shall or may (as the Case requires) be done, continued, or completed by the Conservators, their Officers and Servants; and those Acts, and every other Act as far as it relates to or affects the Commissioners or the Upper Navigation, shall be construed as if the Conservators had been named therein in relation to the Upper Navigation instead of the Commissioners.

Discontinuance

Discontinuance of Upper Navigation Commissioners.

Upper Navigation Commissioners discontinued.

27. From the passing of this Act the Upper Navigation Commissioners shall no longer act or have any Power or Authority to act in the Execution of the Upper Navigation Acts or any of them, and all the Provisions of those Acts or any of them relative to the following Matters or any of them, namely,—

The Times and Places for the Meetings of the Commissioners, and the Appointment and Adjournment of their Meetings;

The Sub-meetings or District Meetings and Committees for Districts of the Commissioners, and their respective Powers, Duties, and Authorities, and Appeals from them;

The Appointment of Clerks of the Peace as Clerks to the Commissioners;

The Appeals from the Orders, Determinations, and Judgments of the Commissioners;

The Alteration, Repeal, or annulling of the Orders, Rules, or Regulations of the Commissioners, and the Mode in which the same are to be written, printed, recorded, or kept;

shall cease to operate, and notwithstanding anything in this Act the same or any of them shall not apply to the Conservators.

Parts of Upper Navigation Acts herein named repealed.

28. The following Parts of the Upper Navigation Acts shall be and the same are hereby repealed, namely,—

Of the Upper Navigation Act of 1771 (Section Six) so much as requires the Commissioners to appoint a General Treasurer and a General Surveyor of the Navigation, and One Person for each District to be Clerk to the Commissioners acting therein:

Of the same Act Section Nine (relating to the Price to be paid for the Passage of Barges and other Vessels, and to the Obligation on the Owners or Occupiers of Locks to keep in repair the several Locks and Weirs then in the Rivers *Thames* and *Isis*, and to Marks for regulating the lowering of the Water):

Of the same Act (Section Ten) so much as empowers any Person to draw down the Water for any Purpose:

Of the same Act Sections Twelve and Thirteen (relating to the Payment of Tolls to Lock Owners):

Of the Upper Navigation Act of 1788 (Section Seven) so much as directs the Commissioners to distinguish the Tolls for the Use of the Locks, Pound Locks, Turnpikes, Bars, or Weirs from those for Towing-paths, Ways, Ferries, and Bridges:

Of the same Act (Section Eight) so much as relates to the Tolls, Rates, and Duties to be taken by the Owners and Occupiers of Locks:

Of the same Act Sections Fourteen and Fifteen (containing Regulations respecting Tolls):

Of the Upper Navigation Act of 1795 Sections Four to Eight both inclusive (relating to Tolls):

Of the same Act Sections Twenty-six to Thirty both inclusive (relating to the Oaths of Commissioners).

Recovery of Tolls, &c. due to Commissioners.

29. All Tolls, Rates, Duties, Debts, and Money at the passing of this Act due or payable to the Upper Navigation Commissioners, or any Persons on their Behalf, shall be payable and paid to the Conservators, and shall be recoverable by the Conservators by the same Ways and Means and subject to the same Conditions as the same would or might have been recoverable by the Commissioners if this Act had not been passed.

Deeds, Contracts, &c. continued in force.

30. Subject to the Provisions of this Act, all Deeds, Conveyances, Grants, Assignments, Leases, Purchases, Sales, Mortgages, Bonds, Covenants, Agreements, Contracts, and Securities which before the passing of this Act have been duly and legally executed, made, or entered into by, with, or in relation to the Upper Navigation Commissioners, or any of them, and which are in force at the passing of this Act, and all Obligations and Liabilities which before the passing of this Act have been incurred by or to, or which but for this Act might or would have arisen in relation to the Commissioners, or any of them, shall, as from the passing of this Act, be as valid and of as full Force in favour of, against, or in relation to the Conservators as if the same had been executed, made,

made, or entered into by, with, or to, or in relation to, or had been incurred by or to or had arisen in relation to, the Conservators, and as from the passing of this Act the Upper Navigation Commissioners shall be and they and every of them are and is hereby absolutely released from all such Obligations and Liabilities.

Causes of Action, &c. preserved.

31. Subject to the Provisions of this Act, all Causes and Rights of Action or Suit accrued before the passing of this Act, and at the passing of this Act in any Manner enforceable by, for, or against the Upper Navigation Commissioners, shall as from the passing of this Act be and remain as good, valid, and effectual for or against the Conservators as they would or might have been for or against the Commissioners if this Act had not been passed.

Actions not to abate.

32. Nothing in this Act shall cause the Abatement, Discontinuance, or Determination of, or in anywise prejudicially affect any Action, Suit, or other Proceeding at Law or in Equity commenced by or against the Commissioners before the passing of this Act, and pending at the passing of this Act, but the same may be continued, prosecuted, or enforced by or against the Conservators.

Prosecution for Offences.

33. All Persons having committed Offences against any of the Provisions of the Upper Navigation Acts before the passing of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for and recovered under this Act, in like Manner as nearly as may be as if the same had been committed after the passing of this Act.

Completion of unexecuted Works.

34. All Works which the Upper Navigation Commissioners, or any of them, are at the passing of this Act authorized or bound to execute and complete, and which are not then executed and completed, may be executed or completed by the Conservators, and for that Purpose the Conservators shall have all the Powers and Rights which were conferred on the Commissioners, and which but for the passing of this Act might have been exercised by the Commissioners.

Officers to be accountable for Books, &c.

35. All Officers and Persons who on the First Day of *February* One thousand eight hundred and sixty-six had, or at the passing of this Act have, in their Possession or under their Control any Books, Papers, Documents, or Effects belonging to the Upper Navigation Commissioners, or to which the Commissioners but for this Act would have been entitled, shall, as from the passing of this Act, be liable to account for and deliver up the same to the Conservators in the same Manner and subject to the same Consequences on Refusal or Neglect as if those Officers and Persons had been appointed by or become possessed of the same Books, Papers, Documents, or Effects for the Conservators; and if any Person fails to account for or deliver up any such Book, Paper, Document, or Effects, he shall be liable to a Penalty not exceeding One hundred Pounds, to be recovered, with Costs, at the Suit of the Conservators, without Prejudice to any other Proceeding against him.

Books to be Evidence.

36. All Books and Documents which if this Act had not been passed would have been Evidence in respect of any Matter for or against the Upper Navigation Commissioners shall be admitted in Evidence in respect of the same or the like Matter for or against the Conservators.

Byelaws, &c. to remain in force.

37. All the Byelaws, Rules, Orders, or Regulations of the Upper Navigation Commissioners relating to the Management, Use, or Control of the Upper Navigation, shall, notwithstanding this Act, continue to be in force and applicable to and in respect of that Navigation, and shall and may be enforced by and available to the Conservators in their own Name, as well for the Recovery of Penalties as for all other Purposes, as if the same had been originally made by the Conservators, until other Byelaws, Rules, or Regulations are made by the Conservators in their Stead.

Powers of Conservators.

Conservators to have Powers of Meetings,

38. The Conservators shall have and may exercise all the Powers by the Upper Navigation Acts expressed to be conferred on the Upper Navigation Commissioners assembled in

in Meeting or otherwise, or on any Meeting, Sub-Meeting, or District Meeting of the Commissioners, or on any Committee, or on any Majority or any Number of the Commissioners. Committees, &c. of Commissioners.

38. Where by the Upper Navigation Acts the Signatures of any Number of the Upper Navigation Commissioners are requisite to any Document, the Common Seal of the Conservators shall be affixed to that Document, if required under this Act, in lieu of those Signatures. Documents requiring Signatures to be sealed.

40. All Powers and Duties by the Upper Navigation Acts, or any of them, conferred or imposed on the Surveyor and Treasurer respectively of the Commissioners shall be and the same are hereby conferred and imposed on the Engineer and Secretary respectively of the Conservators. Transfer of Powers of Surveyor, &c.

41. From the passing of this Act the Conservators shall have the same or the like Powers and Authorities over and with respect to the *Thames* and *Isis* from *Staines* to *Cricklade* as they have by virtue of the Conservancy Acts over and with respect to the *Thames* below *Staines;* and all the Provisions of the Conservancy Acts shall extend and apply, *mutatis mutandis,* to the *Thames* and *Isis* from *Staines* to *Cricklade,* and those Acts shall be read and have Effect together with this Act as One Act as nearly as may be as if the Conservancy of the *Thames* and *Isis* from *Staines* to *Cricklade* had been comprised in The *Thames* Conservancy Act, 1857, and had been accordingly thereby vested in the Conservators; and for this Purpose— Conservancy Acts extended to Upper Thames.

The Expression "this Act" where used in either of the Conservancy Acts shall be taken to include the present Act:

The Expression "River *Thames,*" or "River," where used in either of the Conservancy Acts, shall be taken to include the *Thames* as defined by this Act:

The Word "Shores" where used in either of the Conservancy Acts shall be taken to include the Shores of the *Thames* as defined by this Act:

Save that nothing in this Act shall extend to the *Thames* as defined by this Act the Provisions of Section One hundred and three, One hundred and four, or One hundred and sixty-six of The *Thames* Conservancy Act, 1857, or so much of Section Fifty-eight of that Act as requires the Approval, for the Purposes therein mentioned, of One of Her Majesty's Commissioners of Woods, Forests, and Land Revenues.

42. The Provisions of the Conservancy Acts respecting Byelaws shall extend and apply to Byelaws for the Purposes of the Upper Navigation Acts or this Act. Byelaws to be made under Conservancy Acts.

43. On the passing of this Act the Property in all Locks, Dams, and Weirs then existing in or on the Stream or Bed of the *Thames* (as far as the same is not then vested in the Commissioners) shall be and the same is hereby absolutely transferred to and vested in the Conservators, who shall maintain and repair those Locks, Dams, and Weirs unless and until removed by lawful Authority, and all Obligation on any Person as Owner or Occupier thereof or of any Mill or Lands to maintain and repair those Locks, Dams, and Weirs or any of them shall absolutely cease; and the Conservators shall have free Access by Land and Water to every such Lock, Dam, or Weir for the Purposes of Repair and other necessary Purposes: Provided always, that if any Person having or claiming any Estate in any such Lock, Dam, or Weir, within Three Months after the passing of this Act, gives Notice in Writing to the Conservators that he objects to the vesting in them of such Lock, Dam, or Weir, then and in every such Case the following Provisions shall have Effect: Conservators to repair Dams &c. in lieu of Millowners, &c.

(1.) The Conservators may, if they think fit, by Deed disclaim such Lock, Dam, or Weir, and thereupon the same shall be and remain as if this Section had not been inserted in this Act:

(2.) If the Conservators do not so disclaim any such Lock, Dam, or Weir, then it shall be referred to an Arbitrator appointed by the Board of Trade to determine whether or not the same should be retained by the Conservators, and if so, on what Terms or Conditions, and the Award of the Arbitrator shall be final and binding:

(3.) If in any such Case the Arbitrator awards that the Lock, Dam, or Weir should not be retained by the Conservators, they shall forthwith by Deed release the same, and thereupon the same shall be and remain as if this Section had not been inserted in this Act:

(4.) The Costs of every such Arbitration shall be in the Discretion of the Arbitrator.

Provision for Compensation to Owners of Weirs, &c.

44. Provided also, That if any Person having or claiming any Estate in any such Lock, Dam, or Weir, within Six Months after the passing of this Act, gives Notice in Writing to the Conservators that he claims Compensation in respect of the vesting in them of such Lock, Dam, or Weir, then in case the Parties differ it shall be referred to an Arbitrator appointed by Agreement, or (in default of Agreement) by the Board of Trade on the Application of either Party, to determine the Amount of and Title to such Compensation; and in assessing the Amount of such Compensation, if any, the Arbitrator shall have regard to the State of Repair of such Lock, Dam, or Weir, and to the Period likely to elapse before any further Outlay thereon for permanent Repairs will be requisite, and to the Liability, if any, of the Claimant to effect such Repairs, and to the Decay of the Navigation, if this Act had not been passed, but shall not take into consideration any Estate or Interest claimed in Tolls or Payments on or in respect of Vessels passing by or through such Lock, Dam, or Weir; and the Arbitrator shall determine in what Manner and on or out of what Fund or Property the Compensation, if any, shall be charged or paid, and the Decision of the Arbitrator shall be final, and the Costs of the Arbitration shall be in his Discretion.

Provision as to passing through disused Portions of Navigation.

45. Provided also, That the vesting by this Act of any Lock, Dam, or Weir in the Conservators shall not give to any Persons other than the Conservators, their Agents or Servants, the Right to pass and repass in Boats to or from any Lock, Dam, or Weir, which is at the passing of this Act the Property of any individual Owner, over any Portion of the *Thames* that has ceased to be navigable since the Use of such Lock, Dam, or Weir for the Navigation of the *Thames* was discontinued, or to land upon such Lock, Dam, or Weir, or take away or interfere with any Right of Way existing at the passing of this Act to or over any Lock, Dam, or Weir for the Time being existing in or on the Stream or Bed of the *Thames*.

Saving for Trees, &c. at Temple Weir.

46. Provided also, That notwithstanding the vesting in the Conservators of the present Locks, Dams, and Weirs on the *Thames*, it shall not be lawful for the Conservators to cut down or destroy the Trees and Shrubs on the Embankment and Eyots at *Temple* Lock and Weir, except as far as may be necessary for the Preservation of the Waterway of the Navigation, or to alter or impair the ornamental Character of such Embankment and Eyots.

For Protection of Lands belonging to G. C. Cherry, Esq.

47. The Conservators shall always maintain the present Communication or an equally convenient one between the Lands in the Parishes of *Little Wittenham* and *Dorchester* respectively, now belonging or claimed to belong to *George Charles Cherry* Esquire; and nothing in this Act shall injuriously affect any Right of Fishery now belonging or claimed to belong to the said *George Charles Cherry* in reversion or otherwise.

Power for Conservators to regulate drawing down &c. of Water.

48. Notwithstanding anything in any of the Upper Navigation Acts, the Conservators may regulate as they think fit the opening, shutting, and Management of the Locks and Works on the *Thames*, and the drawing down or keeping back of the Water by means of any of those Locks and Works, but so as not to interfere in the Case of any Mill with the Maintenance of as efficient a Head of Water for the Purposes thereof as at the passing of this Act may lawfully be maintained for those Purposes; and in case of any Difference between the Conservators and any Mill Owner relative to the Exercise of the Powers by this Section vested in the Conservators, the same shall be determined by an Arbitrator appointed by the Board of Trade, whose Decision shall be final; but nothing in this Section shall take away from the Conservators or interfere with the Exercise by them of any Power that would have been exerciseable by the Upper Navigation Commissioners if this Act had not been passed.

Provision as to drawing down of Water for

49. Notwithstanding anything in this Act, and until it is otherwise provided by Byelaw, any Owner or Occupier of any Mill may draw down the Water to such Extent and at such

such Times as may reasonably be required for the Repair of such Mill, or any Floodgates or Waterworks belonging thereto, and for the Purpose of cleansing the Mill-stream. Repairs, &c. of Mills.

50. Provided, That nothing in this Act contained shall take away or diminish any Right and Property now enjoyed by and vested in *Robert Campbell* Esquire of *Buscot Park*, his Heirs and Assigns, in and over *Buscot Weir* and *Eaton Weir*, in the County of *Berks*, and the Locks and Works connected therewith respectively; or the Liability to repair and amend the said Locks and Weirs, and the Works connected therewith; or any Right and Privilege enjoyed by him of damming up the Waters of the River *Thames* at the said Weirs; and the following Provisions shall relate to the said Weirs: Provision as to Buscot and Eaton Weirs.

(1.) Any Property, Right, and Privilege hereby reserved to the said *Robert Campbell*, his Heirs and Assigns, shall not be used or exercised, excepting for the Purpose of working Water Wheels at *Buscot* and *Eaton* respectively:

(2.) In the Exercise of any such Right and Privilege the said *Robert Campbell*, his Heirs and Assigns, shall obey all Byelaws, Rules, and Regulations made by the Conservators:

(3.) It shall no longer be lawful for the said *Robert Campbell*, his Heirs or Assigns, to demand or receive the Toll or Payment hitherto levied by him on Vessels passing the said Locks and Weirs, or to demand or receive any other Toll or Payment with respect to Vessels passing or through the same.

51. In case at any Time after the passing of this Act any Work is done or executed, or proposed to be done or executed, by the Conservators, which, in the Opinion of any of the Five Metropolitan Water Companies, will injuriously affect either the Flow or the Purity of the Water of the *Thames*, above or at the Place where such Company draws its Supply, the Company may give Notice in Writing, under its Common Seal, to the Conservators, requiring them to alter such Work, or not to do or execute the proposed Work, as the Case may be; and thereupon the Matter shall be referred to some competent and impartial Engineer nominated in that Behalf by the Board of Trade, who shall decide what shall be done in the Premises, and whose Decision shall be final, and the Costs of every such Reference shall be in the Discretion of the Referee. Provision for Control by Water Companies of Works of Conservators.

52. The Conservators shall cause the Surface of the *Thames* to be (as far as is reasonably practicable) effectually scavenged, in order to the Removal therefrom of Substances liable to Putrefaction. Surface of River to be scavenged.

53. For the Purposes of this Act, the Conservators, their Engineers, Surveyors, Agents, Servants, and Workmen, may, at all reasonable Times, enter on any Lands in or near the *Thames* above *Staines*, in order to survey and take Levels thereof, and to probe or bore for ascertaining the Nature of the Soil, and to set out the Line of any Work, the Conservators first giving not less than Three or more than Fourteen Days Notice in Writing to the Occupier of such Lands, and causing as little Inconvenience as may be in the Exercise of the Powers of this Section, and making Compensation for any Damage thereby occasioned. Power for Conservators to enter on Lands to survey, &c.

54. If in any Case where the Consent of the Conservators is requisite for any Purpose under The Land Drainage Act, 1861, as affecting the *Thames* above the City of *Oxford*, such Consent is not given within Two Months after the same is applied for, the Body or Person desiring to obtain such Consent may apply to the Board of Trade, who shall direct whether or not such Consent is to be given, and if so, on what Terms or Conditions, and the Conservators shall follow the Directions of the Board of Trade. Provision as to Land Drainage above Oxford.

Tolls and Charges

55. The Conservators may from Time to Time demand and receive, in respect of Vessels, Goods, and Things navigating or carried on the *Thames*, Tolls and Charges to be from Time to Time appointed by Byelaw, and until any such Byelaw is made may from Time to Time demand and receive in respect of those Vessels, Goods, and Things Tolls and Charges not exceeding those which the Upper Navigation Commissioners are at the passing of this Act authorized to demand and receive. Power to take Tolls for Vessels, &c.

Power to make Arrangements as to Tolls.

56. The Conservators, in conformity with any Byelaws regulating the Receipt of Tolls and Charges under this Act, may from Time to Time enter into and execute Agreements with Persons liable to pay Tolls or Charges, with respect to the Mode and Times for the Collection and Payment of Tolls or Charges, or the Payment of annual or other periodical Sums by way of Composition for any Tolls or Charges, and may from Time to Time make such Arrangements as they think fit respecting the levying of Tolls or Charges on Traffic passing from the Upper Navigation down the *Thames* or *vice versâ*.

Provided always, that the Conservators shall not, by or under any such Agreement or Arrangement, make or give any undue or unreasonable Preference or Advantage to or in favour of any particular Person or any particular Description of Traffic in any respect whatsoever, or subject any particular Person or any particular Description of Traffic to any undue or unreasonable Prejudice or Disadvantage in any respect whatsoever.

If any Person liable to pay any Tolls or Charges thinks himself aggrieved by any such Agreement or Arrangement, or by anything done in pursuance thereof, he may apply to the Board of Trade, and the Conservators shall follow the Directions of the Board of Trade in the Matter.

Abolition of Tolls of old Lock Owners.

57. From and after the passing of this Act, it shall not be lawful for any Person by virtue of any Right or Claim as Owner or Occupier of any Lock, Dam, or Weir in or on the Stream or Bed of the Thames to demand or receive any Toll or Payment on or in respect of any Vessel passing by or through that Lock, Dam, or Weir.

Provision for Compensation to Robert Danbe.

58. Provided always, That the Conservators shall make Compensation for any Tolls or Payments to or in which *Robert Danbe*, of the Weirs, near the City of *Oxford*, Publican, is entitled or interested, and which are abolished by this Act, according to the Value thereof as they stood before the Notice given for this Act, and the Amount of and Title to such Compensation, and the Form thereof, (whether by annual Payment or by a gross Sum, or partly in one way and partly in the other,) shall be determined by an Arbitrator appointed by the Board of Trade, on the Application of the said *Robert Danbe* or his Representatives or Assigns, made within Three Months after the passing of this Act, and the Amount thereof shall, notwithstanding anything in this Act, be charged on and paid out of the Tolls and Charges leviable by the Conservators under this Act, in priority to all other Charges and Payments on or out of the same, except the Expenses of the Repair and Maintenance of the Works vested in the Conservators by this Act, and the Interest on any Mortgage Debt contracted by the Conservators for such Repair and Maintenance; and, notwithstanding anything in this Act, the Conservators may, if they think fit, redeem such Compensation (if in the Form of annual Payment) on such Terms as the Conservators and the said *Robert Danbe*, his Representatives or Assigns, agree on, and for that Purpose the Conservators may apply any Funds coming to them under this Act.

Payments by Water Companies, &c.

Contributions by the Five Water Companies.

59. The Five Metropolitan Water Companies shall each pay to the Conservators the annual Sum of One thousand Pounds, payable by equal half-yearly Payments on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, the first half-yearly Payment to become due on the Twenty-fifth Day of *December* One thousand eight hundred and sixty-six, such Payments to be irrespective of and in addition to any Payments otherwise payable to the Conservators by the Five Companies or any of them.

Contributions of Companies to be First Charge on their Receipts after existing Debts, &c.

60. The Payments to be made under this Act by the Five Metropolitan Water Companies respectively shall be the First Charge on the net Receipts of the respective Companies, after and subject only to any Debts or Charges at the passing of this Act payable thereout or charged thereon respectively, and in priority to any Claim of any Shareholders, Stockholders, Proprietors, or Members of or in the respective Companies to any Dividend or Share of Profits or Receipts; and from and after the Twenty-fifth Day of *December* One thousand eight hundred and sixty-six it shall not be lawful for any of those Five Companies at any Time to pay or divide any Dividend or Share of Profits

or

or Receipts to or among any Shareholders, Stockholders, Proprietors, or Members of or in that Company, unless and until the same Company have paid to the Conservators the half-yearly Payment accrued due from that Company under this Act at the then last preceding Twenty-fourth Day of *June* or Twenty-fifth Day of *December*, as the Case may be.

Payments of Companies to be without Deduction, and free from Taxes, &c.

61. The half-yearly Payments to be made as aforesaid by the Five Metropolitan Water Companies respectively shall be made without Deduction; and all Sums so paid shall, in the Hands of the Conservators, be free from all Parliamentary, Parochial, and other general and local Taxes, Rates, and Assessments whatever.

Power for Bodies Corporate, &c. to contribute.

62. Any Body Corporate, Commissioners, or other Body, and any Trustees or other Persons, may from Time to Time contribute out of or by means of the Funds or Property under their respective Management or Control, and lawfully at their Disposal for this Purpose, or belonging to them, such Sums of Money in such Form and on such Terms and Conditions as they think fit (but not so as to prejudice any Right or Interest of any Person), towards the Cost of such Improvements in or relating to the *Thames* under this Act, as they deem beneficial to any Lands under their Management or held by them, or to the Inhabitants of any Town or District in or adjoining to which those Lands are situate.

Pollution of Water.

Sewage, &c. prohibited from being sent into River where not so sent at passing of Act.

63. From and after the passing of this Act it shall not be lawful for any Person to do any of the following Things, namely,—

(1.) To open into the *Thames* any Sewer, Drain, Pipe, or Channel, with Intent or in order thereby to provide for the Flow or Passage of Sewage, or of any other offensive or injurious Matter:

(2.) To cause, or, without lawful Excuse, (the Proof whereof shall lie on the Person accused,) to suffer any Sewage or any Matter aforesaid to flow or pass into the *Thames* down or through any Sewer, Drain, Pipe, or Channel not at the passing of this Act used for that Purpose:

(3.) To open into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the *Thames* at any Point within Three Miles of the *Thames*, measured in a direct Line therefrom, any Sewer, Drain, Pipe, or Channel, with Intent or in order thereby to provide for the Flow or Passage of Sewage or of any Matter aforesaid in such Manner that the same will be carried or be likely to be carried by, through, or out of that River, Stream, Cut, Dock, Canal, or Watercourse into the *Thames:*

(4.) To cause, or, without lawful Excuse, (the Proof whereof shall lie on the Person accused,) to suffer any Sewage or any Matter aforesaid to flow or pass into any such River, Stream, Cut, Dock, Canal, or Watercourse at any Point within the Distance aforesaid, down or through any Sewer, Drain, Pipe, or Channel not at the passing of this Act used for that Purpose, in such Manner that the same will be carried or be likely to be carried by, through, or out of that River, Stream, Cut, Dock, Canal, or Watercourse into the *Thames:*

If any Person does any Act or Thing in contravention of this Enactment he shall for every such Offence be liable on summary Conviction to a Penalty not exceeding One hundred Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which the Offence is continued after the Day on which the First Penalty is incurred.

Notice for Discontinuance of existing Sewerage Works.

64. Whenever any Sewage or any other offensive or injurious Matter is caused or suffered to flow or pass into the *Thames*, or is caused or suffered to flow or pass into any River, Steam, Cut, Dock, Canal, or Watercourse communicating with the *Thames*, at any Point within Three Miles of the *Thames*, measured in a direct Line therefrom, in such Manner that the same is carried or is likely to be carried into the *Thames*, then and in every such Case, whether any such Sewage or other Matter aforesaid had or had not been so caused or suffered to flow or pass before the passing of this Act, the Conservators within

within a reasonable Time after Knowledge of the Fact shall and they are hereby required to give Notice in Writing under their Common Seal to the Person or Body causing or suffering the same so to flow or pass, to the Effect that they require him or them to discontinue the Flow or Passage thereof as aforesaid within a Time to be specified in the Notice, not being in any Case less than Twelve Months or more than Three Years; provided that the Conservators may, if they think fit, at any Time, and from Time to Time, extend the Time specified in the Notice, by another Notice in Writing under their Common Seal; but nothing in this Section shall authorize the Conservators, until the Expiration of Six Months after the passing of this Act, to give to the Owner or Occupier of any Mill or Work a Notice requiring him to discontinue the Flow or Passage as aforesaid of any Liquid Matter produced or used in the Manufacture of Paper or in any Process incidental thereto.

Penalty for Disregard of Notice.

65. Subject to the Provisions of this Act, any Person to whom any such Notice is given by the Conservators shall, notwithstanding anything in any other Act, within the Time allowed by the Notice, discontinue the Flow or Passage of the Sewage or other offensive or injurious Matter to which the Notice refers, and if any Person fails to do so he shall be guilty of a Misdemeanor, and shall be liable, on summary Conviction thereof before Two or more Justices, or on Conviction thereof on Indictment, to a Penalty not exceeding One hundred Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which the Offence is continued after the Day on which the First Penalty is incurred.

Power to obtain Extension of Time.

66. Provided always, That if any Person to whom any such Notice is given thinks himself aggrieved by reason of the Time allowed, either by the original or by any subsequent Notice, not being sufficient to enable him to discontinue the Flow or Passage of the Sewage or other offensive or injurious Matter to which the Notice refers, he may, not later than One Month before the Expiration of the Time so allowed, by Writing delivered to the Secretary of the Conservators, demand an Extension of such Time; and in case the Conservators refuse to comply with such Demand the Question of such Extension shall be referred to an Arbitrator appointed by Agreement, or, failing Agreement, by the Board of Trade, on the Application of either Party, and the Decision of the Arbitrator shall be final, and the Costs of the Reference shall be in the Discretion of the Arbitrator.

Power for Removal of Proceedings by Certiorari, and Appeal to be with a Jury.

67. Notwithstanding anything in The *Thames* Conservancy Act, 1857, (Section One hundred and sixty,) any Proceeding in pursuance of this Act in respect of such a Misdemeanor as aforesaid may be removed by Certiorari into Her Majesty's Court of Queen's Bench at *Westminster;* and notwithstanding anything in the same Act (Section One hundred and sixty-two), the Court of Quarter Sessions shall hear and determine with a Jury any Appeal brought against any Adjudication or Determination in respect of such a Misdemeanor as aforesaid.

Right to prosecute to be in Conservators only.

68. It shall not be competent for any Person, other than the Conservators, their Officers, Attorneys, Solicitors, or Agents, to institute or carry on any Proceeding or Prosecution under the Provisions of this Act relative to the Flow or Passage of Sewage or of any Matter aforesaid.

Nothing to legalize Nuisances or affect any Remedy which Conservators at present have.

69. Nothing in the Provisions of this Act relative to the Flow or Passage of Sewage or of any Matter aforesaid shall be deemed to legalize or permit any Nuisance, or shall take away or prejudicially affect any Remedy or Right which the Conservators or any Person would or might have had or exercised if this Act had not been passed, as against the Person for the Time being causing or suffering the Flow or Passage thereof.

Borrowing Power.

Power to borrow on Mortgage of Tolls.

70. In order to defray the Expenses of executing this Act the Conservators may from Time to Time borrow at Interest on the Security of the Tolls and Charges leviable and other Income receivable by them under this Act, or any Part thereof, such Sums of Money as they think requisite for the Execution of this Act, not exceeding in the whole the Sum of

of One hundred and thirty thousand Pounds (over and above any Money which they are for the Time being authorized to borrow independently of the present Enactment,) and may mortgage the Tolls and Charges leviable and other Income receivable by them under this Act, or any Part thereof, to secure the Repayment of the Money so borrowed, with Interest, accordingly.

Part of 10 & 11 Vict. c. 16. incorporated.

71. The Provisions of The Commissioners Clauses Act, 1847, with respect to the Mortgages to be executed by the Commissioners, as far as the same are applicable for the Purposes and are not inconsistent with the Provisions of this Act, are hereby incorporated with this Act.

Power to borrow from Public Works Loan Commissioners.

72. The Conservators may borrow from the Public Works Loan Commissioners, and those Commissioners may lend to them, such Sum of Money as the Public Works Loan Commissioners think fit, for the Purposes of this Act, not exceeding the Sum of One hundred and thirty thousand Pounds.

Instalments or Sinking Fund.

73. Except with respect to Money borrowed from the Public Works Loan Commissioners, the Conservators shall pay off any Money borrowed by them under this Act, either by Instalments or by means of a Sinking Fund invested in Government Securities, and increased by Accumulation in the way of Compound Interest, or otherwise, as follows, that is to say, as to any Money borrowed before the Thirty-first Day of *December* One thousand eight hundred and seventy-six, within Fifty Years from that Date, and as to any Money borrowed after that Date within Fifty Years after the same is borrowed.

Power to re-borrow.

74. If the Conservators at any Time pay off otherwise than by Instalments or a Sinking Fund any Money borrowed by them, they may from Time to Time re-borrow the same, or any less Amount, in manner aforesaid, and on the Security on which they are by this Act authorized to borrow, and so *toties quoties*, but so that the total Amount at any One Time borrowed by them and remaining unpaid shall not exceed One hundred and thirty thousand Pounds.

Power to mortgage Lands, &c.

75. Any Lands or other Property vested in or acquired by the Conservators by or under this Act, or any Part thereof, may be made, either alone or with the Tolls and Charges leviable under this Act or any Part thereof, a Security for any Money borrowed by the Conservators under this Act on such Terms and Conditions as the Conservators and any Lender of Money from Time to Time agree on.

Money borrowed under this Act to be First Charge.

76. Any Money borrowed by the Conservators under this Act shall be a Charge on the Tolls and Charges, Lands and Property, mortgaged by the Conservators to secure the Repayment thereof, in priority to any Charge existing thereon at the passing of this Act.

Collateral Security on Conservancy Fund.

77. The Conservators may from Time to Time, if they think fit, agree with any Lender of Money to them under this Act to give him a Security for that Money, with Interest, on the Conservancy Fund created under the Conservancy Acts, subject to and after any Charge for the Time being subsisting thereon under the Conservancy Acts, and on such Terms as the Conservators and any such Lender agree on, and may in every such Case give such a Security accordingly; and the Provisions of The *Thames* Conservancy Act, 1857, relative to Mortgages of the Conservancy Fund, shall extend and apply as far as Circumstances admit to every such Security.

Commissioners Mortgage Debt.

Charge on Tolls of Commissioners Mortgage Debt.

78. The Mortgage or Bond Debt contracted by the Upper Navigation Commissioners and now remaining unpaid (not exceeding the Sum of Eighty-eight thousand four hundred Pounds), with Interest from the passing of this Act at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, shall be a Charge on the Tolls and Charges leviable under this Act, subject to and after any Charge thereon for the Time being created by the Conservators under this Act.

Issue of postponed Mortgages.

79. The Conservators shall, at the Request of any Holder of any Portion of the Mortgage or Bond Debt aforesaid, and on Delivery up by him of any Security for the same held by

by him, execute and deliver to him a postponed Mortgage of the Tolls leviable under this Act and of the Property held by the Upper Navigation Commissioners and transferred to the Conservators by this Act, the same to bear Interest at the Rate aforesaid, and the Provisions of this Act and of The Commissioners Clauses Act, 1847, incorporated with this Act, relative to Mortgages, shall extend and apply, as far as Circumstances admit, to the postponed Mortgages issued under this Enactment.

Interest to be charged on Tolls, &c. only within each Year.

80. The Interest on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners, to accrue after the passing of this Act, shall be a Charge on the Tolls and Charges leviable under this Act Year by Year only; and if in any Year ending on the Thirty-first Day of *December* there are not Receipts from those Tolls and Charges (after Payment of or Allowance for all Sums properly payable thereout or chargeable thereon) available for the Payment of the full Amount of Interest for that Year, no Part of the Deficiency shall be made good out of the Receipts from those Tolls and Charges in any subsequent Year, or out of any other Funds of the Conservators, and all Right to receive or recover the Deficiency shall be and the same is hereby extinguished.

Priority of Instalments and Sinking Fund over Interest on existing Debt.

81. The Instalments or Payments to a Sinking Fund required by this Act to be made by the Conservators for paying off Money borrowed by them under this Act shall be a Charge on the Tolls and Charges leviable under this Act in priority to any Interest on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners.

Extinguishment of Arrears of Interest on existing Debt.

82. The Right of any Person to recover any Arrear of Interest accrued due and unpaid before the passing of this Act in respect of the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners is hereby extinguished.

Power for Conservators to redeem existing Debt.

83. The Conservators may from Time to Time, as and when they think proper, redeem any Portion of the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners at such Prices and on such Terms as they and the Holders respectively of Portions of that Debt agree on, and for that Purpose the Conservators may, if they think proper, apply any Funds coming to their Hands under this Act.

Payments to Conservators.

Additional Payments to Conservators.

84. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty-six, Section Forty of The *Thames* Conservancy Act, 1864, shall be read and have Effect as if the Words "One thousand eight hundred Pounds" were therein substituted for the Words "One thousand two hundred Pounds," and from and after the same Day the Conservators every Year shall set apart out of the Funds coming to them under this Act such Sum, not exceeding in any One Year Seven hundred Pounds, as the Conservators, with the Approval of the Commissioners of Her Majesty's Treasury, think fit, and shall divide the same among the several Conservators as the Conservators from Time to Time think fit.

Compensation to Officers.

Compensation for Loss of Emolument.

85. It shall be lawful for the Commissioners of the Treasury to determine with respect to any Officer of the Upper Navigation Commission who may not be continued in Office by the Conservators whether he should receive any, and if so, what Compensation for the Loss of his Emoluments, and such Compensation shall be charged on the Revenue Accounts of the Conservators.

Separate Accounts and Liabilities.

Separate Accounts under this Act.

86. The Conservators shall keep separate Accounts of their Receipts and Expenditure, Credits and Liabilities, under this Act, which shall be subject to the same Provisions as their Accounts kept under the Conservancy Acts.

Liabilities to be charged on Funds under this Act.

87. Subject to the Effect of any Agreement between the Conservators and any Lender of Money to them under this Act, the Liabilities attaching to the Conservators under this Act shall be satisfied exclusively out of Money coming to them under this Act.

Application

Application of Revenue and Capital.

Application of Revenue.

88. All Money coming to the Conservators under this Act (not being raised on Mortgage or received as Consideration for Lands sold, and not being otherwise in the Nature of Capital,) shall be carried by the Conservators to their Revenue Account under this Act, and shall be applied by them in the Manner and in the Order following, and not otherwise, namely,—

(1.) In defraying the necessary and proper Establishment and Working Expenses of the Conservators under this Act, and the Expenses of the Repair and Maintenance of the Works vested in or acquired or constructed by them by or under this Act:

(2.) In paying the Interest from Time to Time accruing due on any Mortgage Debt contracted by them:

(3.) In providing the Instalments or Sinking Fund required by this Act:

(4.) In payment of any annual Sum payable by way of Compensation under this Act, except where otherwise provided by this Act:

(5.) In paying Year by Year the Interest accruing due on the Mortgage or Bond Debt contracted by the Upper Navigation Commissioners:

(6.) In carrying into execution the Purposes of this Act.

Application of Capital.

89. All Money coming to the Conservators under this Act, being raised on Mortgage, or received as Consideration for Lands sold, or being otherwise in the Nature of Capital, shall be carried by the Conservators to their Capital Account under this Act, and shall be applied by them in the Manner and in the Order following, and not otherwise, namely,—

(1.) In paying the Costs, Charges, and Expenses of the raising of Money and of the selling of Lands as aforesaid:

(2.) In the Purchase of any Lands requisite for the Works which the Conservators are by this Act authorized to restore or construct, and in the Restoration or Construction of those Works, and otherwise in the Execution of this Act.

Application for further Act.

Conservators to apply to Parliament for further Powers.

90. The Conservators shall apply to Parliament, so soon as the Usage and Practice of Parliament will permit, for an Act containing such Provisions in relation to the *Thames* between *Staines* and the Western Boundary of the District under the Authority of the Metropolitan Board of Works as are not already in force in relation to that Part of the *Thames*, and as are contained in this Act in relation to the *Thames* between *Cricklade* and *Staines*, or such other Provisions as will enable them efficiently to preserve and purify the Waters of the *Thames*.

Expenses of Act.

Conservators to pay Costs of this Act.

91. The Costs, Charges, and Expenses preliminary to and of and incidental to the preparing for, obtaining, and passing of this Act shall be paid by the Conservators in the first instance out of the Conservancy Fund; and the Amount thereof shall be repaid to that Fund out of Money coming to the Conservators under this Act.

SCHEDULES.

THE FIRST SCHEDULE.

The Upper Navigation Acts.

24 Geo. 2. c. 8.—An Act for the better carrying on and regulating the Navigation of the Rivers Thames and Isis from the City of London Westward to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1751.]

11 Geo. 3. c. 45.—An Act for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1771.]

15 Geo. 3. c. 11.—An Act to amend an Act made in the Eleventh Year of His present Majesty's Reign, for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1775.]

28 Geo. 3. c. 51.—An Act to explain, amend, and enlarge the Powers of so much of Two Acts passed in the Eleventh and Fifteenth Years of the Reign of His present Majesty, for improving and completing the Navigation of the Rivers Thames and Isis from the City of London to the Town of Cricklade in the County of Wilts, as relates to the Navigation of the said Rivers from the Boundary of the Jurisdiction of the City of London near Staines in the County of Middlesex to the said Town of Cricklade. [The Upper Navigation Act of 1788.]

35 Geo. 3. c. 106.—An Act for amending and rendering more effectual an Act passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled "An Act to explain "amend, and enlarge the Powers of so much of Two Acts passed in the Eleventh and "Fifteenth Years of the Reign of His present Majesty, for improving and completing the "Navigation of the Rivers Thames and Isis from the City of London to the Town of "Cricklade in the County of Wilts, as relates to the Navigation of the said Rivers from "the Boundary of the Jurisdiction of the City of London near Staines in the County of "Middlesex to the said Town of Cricklade;" and for extending and enlarging the Powers of the said several Acts passed in the Eleventh and Fifteenth Years of the Reign of His said present Majesty, so far as the same relate to the improving and completing of the Navigation of the said Rivers from the Jurisdiction of the City of London near Staines in the County of Middlesex to the Town of Cricklade in the County of Wilts. [The Upper Navigation Act of 1795.]

52 Geo. 3. c. xlvii.—An Act to authorize the Commissioners for improving and completing the Navigation of the Rivers Thames and Isis from the Jurisdiction of the City of London near Staines in the County of Middlesex to the Town of Cricklade in the County of Wilts, to make a navigable Canal out of the River Thames near Milson's Point in the Parish of Egham in the County of Surrey to communicate with the said River at or near Bell Weir in the said Parish of Egham, and to erect Pound Locks in such Cut, with necessary Weirs and other Works on the said Navigation. [The Upper Navigation Act of 1812.]

THE SECOND SCHEDULE.

Form of Declaration of Qualification.

THE THAMES NAVIGATION ACT, 1866.

I *A.B.* of do solemnly declare that I [*here set forth a Statement of some one of the Qualifications required by the Upper Navigation Act of* 1795, *in the Terms thereof*].

Dated this Day of 18 .

(Signed) *A.B.*

Witness,
X.Y. of .

Form of Proxy Paper.

THE THAMES NAVIGATION ACT, 1866.

I *A.B.* of being entitled to vote at the Election of [Conservators *or*] a Conservator to be held in the Month of December 186 , do by this Writing appoint *C.D.* of to be my Proxy to vote on my Behalf at that Election.

(Signed) *A.B.*

Witness,
X.Y. of .