CHAP. clviii.

An Act for the draining of Lands adjoining and near to the River Thames and its tributaries in the counties of Berks, Oxford, Wilts, and Gloucester; and for other purposes. A.D. 1871.

[24th July 1871.]

WHEREAS the drainage of divers lands adjoining and near to the river Thames and its tributaries, in the counties of Berks, Oxon, Wilts, and Gloucester, is defective, and in consequence thereof the value of the aforesaid lands is much diminished:

And whereas it would be of public benefit as well as of great advantage to the owners and occupiers of such lands if provision were made for the drainage of such lands, and if the same were placed under the authority of commissioners and district boards, and the commissioners and district boards were authorised to execute works and levy drainage rates and raise moneys for the purpose, and exercise other powers usually vested in drainage commissioners:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may for all purposes be cited as "The Thames Valley Drainage Act, 1871."

Interpretation of terms.

2. The following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction:

The word "person" shall include a corporation, whether aggregate or sole:

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The word "owner," except where used with reference to the purchase of lands under the powers of this Act and of the Acts incorporated therewith, shall include,—

(1.) Any person who is or would be, if the land were let to a tenant, in receipt of the rents (other than rents seck, quitrents, or fee-farm rents) and profits of any land, or if there be more than one subsisting lease, agreement for lease, or tenancy, then the person in receipt of the rent (other than rents seck, quitrents, or fee-farm rents) reserved by or payable in respect of the superior lease, agreement, or tenancy:

(2.) Any corporation, aggregate or sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, who would be owners within the meaning of this Act if they were entitled to receive the rents and profits of any lands for their own benefit:

The word "college" shall include Christ Church, in the University of Oxford:

The word "head of college" shall include the dean of Christ Church, and also all provosts, masters, presidents, wardens, rectors, and principals of colleges:

The word "conservators" shall mean "the conservators of the river Thames:"

The expression "jurisdiction of the Commissioners" shall extend to and include the jurisdiction of the district boards:

The expression "limits of this Act" shall include the lands contained in the parishes, townships, or other places comprised in the schedule to this Act, and also any lands which may be hereafter brought under the provisions of this Act:

The expression "drainage works" shall include all works which the Commissioners or district boards have power to execute or acquire authority over under the provisions of this Act.

Same meanings to words in incorporated Acts as in this Act.

3. The several words and expressions to which by the Acts wholly or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context, or expressly varied by this Act.

PART I.—CONSTITUTION OF COMMISSIONERS AND DISTRICT BOARDS.

The Thames Valley Drainage Commissioners incorporated.

4. The Commissioners shall be called "The Thames Valley Drainage Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power

to purchase, take, hold and dispose of lands, easements, and other property for the purposes, but subject to the restrictions of this Act, and to put this Act into execution.

First Commissioners.

5. The following persons shall be the first Commissioners; (that is to say,) the Most Noble John Winston Duke of Marlborough; the Most Noble Harry George Duke of Cleveland; the Right Honourable Edward Granville Earl of St. Germans; the Right Honourable Montagu Earl of Abingdon; the Right Honourable Victor Albert George Earl of Jersey; the Right Honourable William Earl of Radnor; the Right Honourable William Lennox Earl Bathurst; the Right Honourable John Thomas Lord Redesdale; the Right Honourable William Gordon Cornwallis Lord Eliot; Sir Nicholas William Throckmorton, Baronet; Sir George Bowyer, Baronet; Sir George Samuel Jenkinson, Baronet; Sir Thomas Tancred, Baronet; Sir Henry William Dashwood, Baronet; Edward William Harcourt; Henry Hippisley; Henry Hucks Gibbs; John Croke; George Theophilus Cooke; Charles Sawyer; John Shawe Phillips; the Vice-Chancellor of the University of Oxford; Charles Neate, Fellow of Oriel College; Arthur Robarts Adams, D.C.L., Fellow of St. John's College; the bursar of New College; the bursar of Magdalen College; the warden of All Souls' College; the bursar of Merton College; the treasurer of Christ Church; the mayor of Oxford; the mayor of Abingdon; the sheriff of Oxford; Jonathan Browning, John Richard Carr, and James Hughes, aldermen of the city of Oxford; George Sidney Harrison; William Aldworth; Albert Edmonds; William Bryan Wood; Joseph Druce; William John Franklin; Francis Field; David Archer; John Raymond Raymond Barker; Thomas Sebastian Bazley; Robert Campbell; Ambrose Denis Hussey Freke; John Blandy Jenkins; Christopher Fawcett; Edgar Hanbury; John Lyall; Thomas William Chester Master; Arthur Randolph Mullings; John Henry Warneford; Robert Alexander Anderson; John Archer; Thomas Arkell; John Bravender; Sidney Biddell; William Carey Faulkner; Thomas Heberden; Richard Albert Iles; William Price Jones; Edward Wells Moore; Richard Mullings; George Frederick Newmarch; Josiah Tippetts Paul; and Edward Trinder.

Jurisdiction of the Commissioners, how to be ascertained.

6. The limits of the jurisdiction of the Commissioners by this Act incorporated shall include such of the lands in the several parishes, townships, or places contained in the schedule to this Act as the Commissioners shall from time to time, with the consent of the Inclosure Commissioners, by order declare to be within their jurisdiction; and shall also extend to such part of the river Thames, not being under the jurisdiction of the conservators, as is situate

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between the point on the said river where it leaves the easternmost boundary of the parish of Clifton Hampden in the county of Oxford, and the source of the said river, or one of the sources of the said river, commonly known as Thames Head in the parish of Kemble in the county of Wilts; and also to so much of the tributaries of the said river Thames, that is to say, the rivers Ock, Cherwell, Ray, Evenlode, Windrush, Cole, Ray, Swillbrook, Churn, and Coln, as flow through or past the several parishes, townships, or places mentioned in the said schedule, or to those portions of the river Thames, not being under the jurisdiction of the conservators, and its tributaries, which flow through or past any of the lands which may from time to time, in manner hereby directed, be declared, with the consent of the Inclosure Commissioners, to be within the jurisdiction of the Commissioners by this Act incorporated.

Power to divide valley into levels.

7. The first Commissioners shall within twelve months of the passing of this Act, or within such extended time as shall be allowed by order of the Inclosure Commissioners, make a first order, with the consent aforesaid, declaring the limits of their jurisdiction, and shall within the same period, or within such extended period as aforesaid, by the same or a subsequent order, with the like consent of the Inclosure Commissioners, divide into so many districts, as to them may seem expedient with reference to the effectual discharge of the duties imposed upon them by this Act, the whole or any part of the lands comprised within the limits of their jurisdiction, and shall in manner herein-after prescribed place each such district under the management of a district board to be constituted as herein-after mentioned: Provided always, that nothing herein-before contained shall be construed to compel the said first Commissioners to include within some district all of the lands within their jurisdiction as aforesaid, and any lands within their jurisdiction but not comprised within any district shall, for all purposes connected with drainage and irrigation and the other powers of this Act, be under the control of the Commissioners, and subject to all powers vested in them by this Act.

Power to make alterations in districts, &c.

8. The Commissioners may from time to time, with the consent of the Inclosure Commissioners, make such alterations, either by extension or by diminution in the limits of their jurisdiction, and also in the boundaries or number of the districts, and in the constitution of such district boards, and in the number of their members, and of the Commissioners to be elected by the said district boards, as they may think fit; and every such order made by the Commissioners, with such consent as aforesaid, shall be in substitution for any previous order as to all matters to which the substituted order shall relate or extend: Provided always, that no alteration in the

districts of the Commissioners shall extend to any part of the river Thames under the jurisdiction of the conservators. A.D. 1871.

Proceedings to obtain consent of Inclosure Commissioners.

9. The following proceedings shall from time to time be taken for the purpose of obtaining the consent of the Inclosure Commissioners to the declaration of the jurisdiction of the Commissioners, and to the division of lands within the jurisdiction of the Commissioners into districts, or to any other matter connected therewith, and to any alterations in such jurisdiction, division, or other matter:

A petition or petitions under the seal of the Commissioners shall be presented to the Inclosure Commissioners, setting forth the lands proposed to be declared as within the jurisdiction of the Commissioners, and stating the number of districts and district boards proposed to be constituted, and giving the proposed boundaries of the area to be comprised within the limits of each district by reference to a map, or in such other manner as the Inclosure Commissioners may think expedient, and also the proposed number and qualification of the members of each such district board, and the number of Commissioners whom it is proposed that each such district board should elect, and also any alteration proposed in the above matters:

Upon the receipt of such petition or petitions the Inclosure Commissioners shall send an inspector to the districts for the purpose of making inquiries as to the propriety of declaring the jurisdiction of the Commissioners to extend to the limits proposed, and of constituting the districts and district boards as proposed by any such petition, and of fixing the number of Commissioners to be elected by such district board, and as to any other matter connected therewith, and also as to the propriety of any alteration proposed:

Before commencing his inquiry the inspector shall give such notice as the Inclosure Commissioners direct of his intention to make the same, and of a time and place at which he will be prepared to hear all persons desirous of being heard before him on the subject matter of such inquiry:

The inspector shall, after such notice as aforesaid, proceed to the districts, and shall report the result of his inquiries to the Inclosure Commissioners, and they may, if satisfied with the propriety of declaring the limits of the jurisdiction of the Commissioners as proposed, and also of constituting the districts and district boards as proposed, and as to the other matters contained in the petition, give their consent, testified under their seal of office, to any order declaring the limits of the jurisdiction of the Commissioners, and constituting the

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respective areas mentioned in any such petition into separate drainage districts, and ordering the election of drainage boards for each such district on a day to be named in such order, and fixing the number and qualifications of the members of the district boards, and the number of the Commissioners to be elected by each such district board, with such alterations (if any) in any of the above subjects as they may think fit:

Notice of such order shall be published in the "London Gazette," and in some other newspaper circulating in the district to which it relates, and copies thereof shall be served in such manner and upon such persons as the Inclosure Commissioners may require, and such order shall, from a day to be named therein, and until varied, and except so far as the same may be varied by any subsequent order, have the same effect as if such order had been contained in this Act.

Evidence of constitution of districts.

10. The making of an order shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such order have been complied with, and a written or printed copy of the order purporting to have the seal of the Commissioners affixed to it shall be primâ facie evidence of the making of such order.

Prescribing election of district boards.

11. On the day or days named in the order for the election of the first district boards, or if no day be named, then on the first Thursday of the month next but one after that in the course of which such order is made, the electors of each district shall proceed to the election of a board for such district.

Rules to be observed with respect to electors of drainage board.

12. Subject to any provisions to the contrary that may be made by any order of the Commissioners constituting the respective districts, the following rules shall be observed with respect to the electors of drainage boards:

(1.) The electors for members of a drainage board for any district shall be the owners, and also the occupiers, of all lands comprised in the district who shall have paid all rates, if any, made under the powers of this Act, and which may have been due and payable by them on any day not less than three months prior to the time of the election; and the owner of any land, being also the occupier of such land, shall be entitled to vote both as such owner and also as occupier: Provided that if the owner be bound as trustee to pay over a sum exceeding one half of the gross rents and profits to some one other person for his own benefit, then such last-mentioned person shall be the elector in place of the owner:

(2.) Each elector shall vote according to the following scale; that is to say,

If the property in respect of which he is entitled to vote be rated upon a rateable value of less than fifty pounds, he shall have one vote:

If such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes:

If it amount to one hundred pounds and be less than one hundred and fifty pounds, he shall have three votes:

If it amount to one hundred and fifty pounds and be less than two hundred pounds, he shall have four votes:

If it amount to two hundred pounds and be less than two hundred and fifty pounds, he shall have five votes:

If it amount to two hundred and fifty pounds and be less than five hundred pounds, he shall have six votes:

If it amount to five hundred pounds and be less than one thousand pounds, he shall have eight votes:

If it amount to or exceed one thousand pounds, he shall have ten votes:

Such rateable value, until any general drainage rate has been levied over the whole of any district under the powers of this Act, to be that at which the respective lands are for the time being assessed to the poors rate.

Trustees to be deemed owners in certain cases.

13. Where any owner or occupier, as herein-before defined, or any person entitled to vote, as herein provided, is a minor, or of unsound mind, or a married woman, the guardian, committee, or husband, as the case may be, of such owner or occupier shall be the owner or occupier within the meaning of this Act, subject to this proviso, that a married woman entitled for her separate use shall for the purposes of this Act be treated as if she were not married.

Provision as to ownership by corporations, &c.

14. Where a corporation aggregate, or any commissioners, proprietors, or other undertakers, are owners or occupiers of any land, such corporation, commissioners, proprietors, or undertakers respectively shall be deemed to be one owner or occupier for the purposes of this Act, and shall appoint a deputy to vote, and also to express their assent or dissent under the powers of this Act, and such deputy, or any agent whom they may desire to qualify to be a Commissioner under the powers of this Act, shall be appointed, in the case of a college either under their common seal or under the hands of the head and senior bursar or treasurer of such college, and in the case of any other corporation under their common seal, and in any other case under the hands of three commissioners, proprietors, or other undertakers professing to act for the whole.

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Provision as to joint owners.

15. Where several persons are owners of land as joint tenants, coparceners, or tenants in common, they shall, in respect of such land, be accounted as one owner; but the concurrence of two thirds of such owners shall be necessary to and shall bind the whole.

Rules and regulations applicable to district boards.

16. Subject to any provisions to the contrary in this Act, or which may be made by any order of the Commissioners constituting or otherwise relating to the respective districts, the rules and regulations made by sections 68 and 70 of the Land Drainage Act, 1861, and the schedule thereto, with respect to drainage boards constituted under the provisions of that Act, and as to the qualification and mode of electing members of such drainage boards, and as to the proceedings of such boards, shall be applicable to the district boards to be appointed under this Act, and to the qualification and election of members thereof, and to the proceedings of such boards, in the same manner as if such rules and regulations were contained in this Act.

Commissioners to appoint returning officer to conduct first election of district boards.

17. The first Commissioners shall appoint a returning officer to conduct the first election of each district board.

In case electors do not appoint members of district boards, Commissioners may do so.

18. In case the electors in any district constituted under the powers of this Act fail to proceed to the election of members of the district board for such district, or fail to elect the full number of members assigned to the district board of such district by any such order of the Commissioners as aforesaid, it shall be lawful for the Commissioners from time to time to appoint so many persons duly qualified to act within such district to be members of the district board as with any persons duly elected by the electors of such district will make up the full number of members of such district board, or if the electors have elected no persons to be members, then the Commissioners shall appoint all the members of such district board, who shall have all the powers, rights, and privileges, and be subject to all the duties which the members of such district boards would have had and been subject to if duly elected by the electors of such district.

District boards to elect Commissioners.

19. The members of each district board shall at their first meeting elect so many persons to be Commissioners as shall by the order constituting such district board be prescribed, and each such district board shall, when any Commissioner elected by such district board dies, resigns, or otherwise ceases to be such Commissioner, elect a person to be a Commissioner in the place of such Commissioner so dying, resigning, or otherwise ceasing to be such Commissioner.

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In case district boards do not elect Commissioners, Inclosure Commissioners may do so.

20. In case the district boards constituted under this Act, or any of them, fail to proceed to the election of Commissioners to represent such district board, or fail to elect the full number of Commissioners to represent such district boards, it shall be lawful for the Inclosure Commissioners to appoint so many persons, duly qualified as herein-after provided, to be Commissioners representing any such district board as with the number duly elected by such district board will make up the full number of Commissioners which should have been elected by such district board, or if such district board has elected no Commissioners, then the Inclosure Commissioners shall appoint the full number of such Commissioners, who shall have all the powers, rights, and privileges, and be subject to all the duties which any Commissioners would have had and been subject to if duly elected by such district board: Provided always, that the Inclosure Commissioners shall only appoint persons qualified by the possession of lands within the district of which they are to be Commissioners, unless a sufficient number of persons so qualified as aforesaid cannot be found, or unless all persons so qualified refuse to accept the appointment.

On election of new Commissioners, first Commissioners to go out of office.

21. The Commissioners to be elected by the district boards shall come into office on the first day of the month next ensuing that in which the first election of the members by the district boards may be ordered to take place, and upon such Commissioners so coming into office, the powers, rights, privileges, and duties of the first Commissioners shall cease and be transferred to the new Commissioners, who shall thenceforth, subject to the provisions herein-after contained for retirement by rotation, and to the other restrictions contained in this Act, be the Commissioners for carrying this Act into execution.

Rotation and day of retirement of Commissioners.

22. One third of the Commissioners first elected by the district boards as aforesaid shall go out of office on the first Thursday of September next but one after such election, one other third of them on the first Thursday of September next but two after such election, and the remaining third on the first Thursday of September next but three after such election; and such first elected Commissioners shall determine amongst themselves which of them shall constitute the one third to go out of office in each of such years, and all Commissioners elected to supply any vacancy occasioned by any Commissioner going out of office by the expiration of his term of office shall go out of office on the first Thursday of September in the third year next following the year of his election, and every Commissioner elected to supply any other vacancy shall go out of office when the term of office of the Commissioner in whose place he is elected would have expired by effluxion of time.

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Qualification of Commissioners.

23. The qualification of a Commissioner to be elected under the provisions of this Act shall be, that he shall be the owner of not less than fifty acres of land within the jurisdiction of the Commissioners; or secondly, the heir apparent of the owner of an estate of not less than fifty acres in extent within the said jurisdiction; or, thirdly, the agent of an owner of an estate of not less than fifty acres within the said jurisdiction, such agent acting under a written appointment; provided that if the owner be bound as trustee to pay over a sum exceeding one half of the gross rents and profits to some one other person for his own benefit, then such last-mentioned person shall be deemed an owner for the purposes of this section.

Incorporation of Commissioners Clauses Act, 1847.

24. The Commissioners Clauses Act, 1847, shall be, except so far as the same is expressly varied by this Act, incorporated with this Act; and in the construction of this Act and the said incorporated Act this Act and any order made with the consent of the Inclosure Commissioners shall together constitute the special Act; and the expression the "Commissioners" in the said incorporated Act shall apply as well to the district boards or members of district boards, as the case may be, as to the Commissioners incorporated by this Act.

Provisions as to auditor.

25. No qualification shall be necessary for the appointment of an auditor, nor shall any declaration be required of such auditor, notwithstanding anything in the Commissioners Clauses Act contained.

Office of Commissioners.

26. The principal office of the Commissioners shall be at Oxford; the first meeting of the Commissioners shall be held at some convenient place within the city of Oxford, and their future meetings shall be held within that city or elsewhere as the Commissioners may determine: Provided that when any business relating to the construction of works in lands situate solely in any particular district shall be the subject of the meeting, the Commissioners shall, unless the board of such district otherwise request, meet at some place within such district.

Power to petition to come within provisions of Act.

27. Whenever it appears desirable to the majority in number of the owners and occupiers of any lands adjoining the river Thames or any tributary thereof, and which are subject to flood, or the drains upon which are liable to be choked up or impeded in their action in consequence of flood, such majority representing the larger part in value of such lands, the value to be ascertained by reference to the gross estimated rental of the lands as shown by the last valuation or assessment for the purposes of the poors rate, or by such apportionment of such valuation or assessment as may be necessary, that

such lands should be constituted a district, or otherwise be brought within the jurisdiction of the Commissioners:

(1.) They may, with the consent of the Commissioners, present a petition to the Inclosure Commissioners for such purpose, and such petition shall be supported by such evidence as the Inclosure Commissioners may require:

(2.) Upon the receipt of any such petition, the like proceedings shall be had thereupon as are directed by section 9 of this Act with respect to obtaining the consent of the Inclosure Commissioners in respect of the constitution of districts, or as near thereto as circumstances will admit:

(3.) The Inclosure Commissioners, in case they approve the prayer of such petition, shall give their consent to any order of the Commissioners carrying into effect the objects of such petition, and shall see that such provision, if any, as they may think right is made therein with regard to alteration in the number of members of any district board affected by such order, and in the number of Commissioners to be elected by such district board or upon any matter connected therewith.

PART II.—WORKS.

Power of Commissioners and district boards to execute general drainage works.

28. The powers of the Commissioners and of the district boards acting within their respective jurisdictions shall extend to the following acts:

(1.) To cleansing, scouring, repairing, or otherwise maintaining in a due state of efficiency such part of the river Thames as is not under the jurisdiction of the conservators, and any other river or any existing watercourse, channel, sluice, weir, or outfall for water, or any existing wall, embankment, or other defence against water herein-after referred to under the expression "maintenance of existing works:"

(2.) To enlarging, deepening, widening, straightening, embanking, or otherwise altering or improving such part of the river Thames as is not under the jurisdiction of the conservators, and any other river or any existing watercourse, channel, sluice, weir, or outfall for water, or removing or altering milldams, sluices, weirs, or other obstructions to rivers, watercourses, channels, or outfalls for water, or raising, widening, or otherwise altering any existing wall, embankment, or other defence against water herein-after referred to under the expression "improvement of existing works:"

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(3.) To making and maintaining any new watercourse or outfall for water or defence against water, and also all embankments, cuts, channels, pumping stations, engines, tunnels, bridges, culverts, ditches, drains, pipes, sluices, flood gates, weirs, dams, walls, banks, arches, reservoirs, towing-paths, roads, and other conveniences which may be necessary or proper for improving the drainage, and for regulating or preventing the flooding of lands within the jurisdiction of the Commissioners and the district boards respectively, and for the storeage and distribution of waters for purposes of irrigation herein-after referred to under the expression "the construction of new works;" but in no case shall water be diverted directly or derivatively from the river Thames, otherwise than into a new cut or channel to be substituted for the channel of the said river, without the consent of the conservators.

Provided:

(1.) That no person shall by virtue of this Act be compelled to execute at his own expense any works which he would not have been compelled to execute if this Act had not been passed:

(2.) That no works shall be deemed to be a new work that is in substitution for an old one in cases where such old work is so much out of repair, or so inefficient as to make it expedient to construct a new work in place thereof:

(3.) That full compensation shall be made for all injury sustained by reason of the exercise by the Commissioners and the district boards respectively of the above powers; such compensation, if any, to be ascertained as soon as conveniently may be after the completion of the works, and, in case of difference, by an arbitrator to be appointed by the Inclosure Commissioners, who shall have all the powers of arbitrators appointed under the "Lands Clauses Consolidation Act, 1845," with regard to lands taken or injuriously affected by the execution of works authorised by the special Act:

(4.) That the exercise of the foregoing powers shall be subject to the restrictions herein-after contained.

Notice of works to be given to owners when not done by agreement.

29. The Commissioners or district boards shall not do or execute any of the works which they are herein-before authorised to do or execute in, through, or upon the lands of any person, otherwise than by agreement with the owner thereof, until they have served a notice in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining

in each case the particular lands proposed to be affected by such work, and describing shortly the nature of the work proposed to be done and executed in, through, or upon such lands, and requiring an answer within fifteen days from the date of such notice, stating whether the person so served assents to or dissents from such work being done or executed, and informing such person that if he dissents therefrom he can apply to the Inclosure Commissioners to restrain the execution of such works on a day to be named in such notice, and such notice shall be served—

By delivering the same personally on the person required to be served, or if such person is absent abroad, to his agent; or

By leaving the same at the usual or last known place of abode of such person as aforesaid; or

By forwarding the same by post in a prepaid letter, addressed to the usual or last known place of abode of such person.

Owners may object before Inclosure Commissioners.

30. Any owner, lessee, or occupier may, upon the day named in such notice, appear by himself, his counsel, attorney, or agent, before the Inclosure Commissioners, and apply for an order restraining the Commissioners or district board respectively from proceeding with the proposed works or any part thereof, and the Inclosure Commissioners shall hear any objections which such person may raise thereto, and shall also hear the Commissioners or district board respectively in relation thereto, and shall make such order as they may think right with regard to any such proposed works.

Works may be proceeded with, subject to any order.

31. If upon the day named in such notice no owner, lessee, or occupier shall appear to object before the Inclosure Commissioners, or if upon the hearing of any objections the Inclosure Commissioners shall decide to make no order restraining the execution of such works, it shall be lawful for the Commissioners or district boards respectively forthwith to enter upon the lands affected by the proposed works, and to do or execute the same: Provided always, that the Commissioners or district boards respectively shall be bound by any order which may be made by the Inclosure Commissioners with regard to the proposed works, or the terms and conditions upon which the same or any part thereof may be done or executed, and they shall only do or execute the same in accordance therewith and subject thereto.

Works of arterial drainage to be exclusively done by Commissioners.

32. The Commissioners shall for the purposes of this Act have the exclusive right of executing, under the provisions of this Act, any works affecting such parts of the bed, soil, or bank of the river Thames and its tributaries, the Ock, Cherwell, and Ray, in the county of Oxford, Evenlode, and Windrush, as are within the juris-

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diction of the Commissioners, whether such interference be for the purpose of the maintenance or improvement of existing works or for the construction of new works, and also shall have the exclusive right of constructing and maintaining all works necessary or proper for providing for the arterial drainage of the valleys of the said rivers respectively, notwithstanding that the place where such works are proposed to be constructed may be situate within the jurisdiction of the district boards, or any of them: Provided that, notwithstanding anything in this Act, the Commissioners shall not exercise any powers over the bed, soil, or banks of the river Thames or any affluents thereto or tributaries thereof above the bridge across the said river in the parish of Cricklade St. Mary, nor shall the Commissioners construct any works above the said bridge.

Commissioners may divert river Thames and its tributaries.

33. The Commissioners from time to time, for the purposes of this Act, and subject as in this Act provided, may divert into any new or improved cut or channel, or otherwise, directly or derivatively, the waters of any part of the river Thames, or of the aforesaid tributaries of the river Thames, within the limits of this Act, but so nevertheless that there be not by any such work or operation of the Commissioners any diversion of water from the watershed of the river Thames, and upon the completion of any such cut or channel as may be substituted for any part of the river Thames which may be diverted, all the powers of the conservators with reference to such diverted part of the river Thames shall be transferred to such cut or channel.

Notice to be given to the conservators of intended interference with the river Thames.

34. If it should, in the opinion of the Commissioners, be necessary or proper for the purpose of executing the powers by this Act conferred upon them to interfere with the bed, soil, or banks of that part of the river Thames which is under the jurisdiction of the conservators, the Commissioners shall give notice to the conservators thereof, and shall, within one month after giving such notice, submit to the conservators all necessary plans and sections showing the nature and extent of the works involving such interference as aforesaid, and give any explanation that may be required of the objects for which such interference may be necessary; and it shall be lawful for the conservators either to approve of such works or to object thereto, either upon the ground of such interference not being necessary or proper, or of such works not being efficient for the object proposed, or otherwise.

Conservators may elect to execute the works affecting the river Thames.

35. If the conservators do not object to the execution of the said works on any of the above grounds, or if they should object thereto, but can agree with the Commissioners upon substituted works for effecting the objects of the Commissioners, then it shall

be lawful for the conservators, subject to the right of appeal hereinafter provided, to execute, by their own engineers, officers, servants, and workmen, such works, so far as the same may involve interference with the bed, soil, or banks of such part as aforesaid of the river Thames, at the expense of the Commissioners if not otherwise agreed upon; and all such charges and expenses attending the same shall, unless otherwise agreed upon, be repaid to the conservators by the Commissioners, and the amount thereof may be recovered by the conservators in any court of competent jurisdiction.

In case of difference matters to be referred to arbitration of Board of Trade.

36. If at the expiration of three months from the service of such notice as aforesaid by the Commissioners upon the conservators, they shall not have signified their approval of the works to which such notice extends, it shall be lawful for the Commissioners to refer the whole subject, or any matters upon which any difference may have arisen, to the arbitration of the Board of Trade, who shall hear both parties by their counsel, attorney, or agent, and make such order as they may think fit; and upon the making of any order permitting the execution of the proposed works, or of any works which may be substituted by the Board of Trade for carrying out the object of the Commissioners, it shall be lawful for the conservators to execute, by their own engineers, officers, servants, and workmen, such works, so far as the same may involve interference with the bed, soil, or banks of such part as aforesaid of the river Thames, at the expense of the Commissioners; and all charges and expenses attending the same shall be repaid to the conservators by the Commissioners, and the amount thereof may be recovered by the conservators in any court of competent jurisdiction.

Subject to foregoing powers, Commissioners to execute such works.

37. If the conservators do not within three months after approval of such works or order of the Board of Trade, as the case may be, signify their intention of exercising the right herein-before given of executing, by their own engineers, officers, servants, or workmen, so much of the works necessary for carrying out any of the purposes of this Act as may involve interference with such part as aforesaid of the bed, soil, or banks of the river Thames, or if within such period of three months the conservators shall in writing express their intention of not exercising such rights as aforesaid, it shall be lawful for the Commissioners, subject to the restrictions in this Act contained, to carry out the whole of such works as may have been agreed upon between the said Commissioners and the conservators, or such works as may have been ordered by the Board of Trade, notwithstanding that such works may involve such interference as aforesaid, but they shall be subject to such supervision by the conservators for the purpose of maintaining unimpaired the navigation and flow of the river Thames, as may be agreed upon; and any works done under the provisions of the foregoing sections shall, for

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the purposes of expenditure and rating, be deemed to be done by the Commissioners within the limits of their jurisdiction.

District boards to execute all other works.

38. The district boards shall have the exclusive right of carrying out any works within their respective jurisdictions which are not by this Act directed to be exclusively carried out by the Commissioners; but any improvement of existing works or construction of new works shall only be carried out with the consent of the Commissioners in each case had and obtained; or, in case of their refusal, with the consent of the Board of Trade, who shall hear both parties by their counsel, attorney, or agent, and make such order as they may think fit; and upon the making of any order permitting the execution of the proposed works it shall be lawful for the district board to carry out the proposed works, subject to any modification or alteration thereof which may be required by such order.

Commissioners may delegate powers to district boards.

39. Notwithstanding anything in this Act contained, the Commissioners shall have full and free liberty to delegate to the district boards any of the powers hereby exclusively reserved to the Commissioners, and the Commissioners shall also be at liberty, with the consent of the district boards, to execute any of the works, power to carry out which is hereby exclusively reserved to such district boards; and in the discharge of any such powers, or the execution of any such works, the Commissioners and district boards respectively shall be considered as acting within their respective jurisdictions.

Commissioners may declare cuts, &c. made by district boards to be works of arterial drainage.

40. In case it appear to the Commissioners at any time after the constitution of a district board under the provisions of this Act that any cut, drain, or other work, whether vested in such district board by order of the Commissioners or otherwise, or constructed by such district board or otherwise, is properly an arterial drainage work, or may be made use of and ought to be considered as such, it shall be lawful for the Commissioners, by an order under their seal, to declare the same to be an arterial drainage work; and upon making compensation to the parties interested in manner hereinbefore provided with regard to compensation for injury, and subject to such right of appeal as is herein-after given, the same shall thereupon vest in and be under the sole management, control, and jurisdiction of the Commissioners.

Differences as to arterial drainage works to be referred to arbitration.

41. In case any difference of opinion shall arise between the Commissioners and any district board, or any person, as to whether any works proposed or executed are works of arterial drainage within the meaning of this Act, or in case any dispute shall arise between the Commissioners and any district board as to their respective jurisdictions, or as to any works done or proposed to be done, or any rate levied or proposed to be levied by them respectively,

under the provisions of this Act, the same shall be referred to arbitration in manner provided by the Railway Companies Arbitration Act, 1859, or as near thereto as circumstances will admit; but in case the parties to such arbitration cannot agree upon an arbitrator, such arbitrator shall be appointed by the Inclosure Commissioners.

Restrictions as to obstructions.

42. The Commissioners and district boards respectively shall not be entitled to remove, alter, or otherwise interfere with any milldam, weir, or other like obstruction whereby the level of the water is raised for any milling or other purpose of profit, so as to injuriously affect the supply of water, otherwise than with the consent of the owner of such milldam, weir, or other like obstruction, until the following things have been done; that is to say,

(1.) Their right to do so has been determined in manner hereinafter mentioned:

(2.) The amount payable as compensation to all parties entitled for the injury which may be caused by such removal, alteration, or interference has been ascertained.

Questions as to right to remove any obstructions.

43. For the purpose of determining the right of the Commissioners or district boards respectively to remove, alter, or otherwise interfere with any such milldam, weir, or other like obstruction, there shall be decided, if both parties consent, by two or more justices assembled in petty sessions, but if they do not consent, by arbitration, the arbitrator to be appointed by the Inclosure Commissioners in manner herein-before provided by section 28, the questions following; that is to say,

(1.) Whether the proposed removal, alteration, or interference is necessary for the effectual drainage of land within the jurisdiction of the Commissioners or district boards, or for carrying out the other powers of this Act:

(2.) Whether the proposed removal, alteration, or interference will cause any injury to the owner:

(3.) Whether the proposed removal, alteration, or interference will cause any injury to the navigation of the river Thames:

(4.) Whether any injury that may be caused by the removal, alteration, or interference is or is not of a nature to admit of being fully compensated by money.

Consequences of determination of question.

44. The consequence of any such decision shall be as follows; that is to say,

(1.) If the decision is that such removal, alteration, or interference is not necessary for the effectual drainage of the lands or for carrying out the other powers of this Act by

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the Commissioners or district boards respectively, they shall not be entitled to make the same:

(2.) If the decision is that such removal, alteration, or interference is necessary for the purposes aforesaid, or some of them, but that the injury to be caused thereby is not of a nature to be fully compensated by money, the Commissioners or district boards respectively shall not be entitled to make the same:

(3.) If the decision is that such removal, alteration, or interference is necessary, and that any injury that may be caused thereby can be fully compensated by money, the Commissioners or district boards respectively shall be at liberty, subject to any rights of the conservators to object thereto under the provisions in this Act contained, to make the same upon making compensation as herein-after mentioned.

Amount of compensation, how ascertained.

45. Where the decision is that the Commissioners or district boards are entitled to remove, alter, or interfere with any such mill-dam, weir, or other obstruction, they shall, subject as aforesaid, take the same steps, with respect to compensating the parties interested, as are required to be taken by the Lands Clauses Consolidation Acts by purchasers in cases where they are authorised by the special Act to purchase or take lands otherwise than by agreement.

Power to Commissioners to purchase lands, easements, &c.

46. It shall be lawful for the Commissioners and every district board for the purposes of this Act to purchase or to take on lease for such time as they may think fit any land, or any right or easement in or over any land; or in, over, or arising out of or otherwise connected with any river, stream, or watercourse within their respective jurisdictions which they may deem necessary or expedient for the execution of the powers of this Act; but in every case where any district board shall be desirous of making any such purchase or taking any such lease as aforesaid, the term, estate, or interest acquired shall be vested in the Commissioners as trustees for such district board: Provided the Commissioners and district boards respectively shall not be entitled to purchase or take compulsorily any land or any such right or easement as aforesaid, except in pursuance of a provisional order confirmed by Parliament as herein-after provided.

Provisions of 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 32 & 33 Vict. c. 18. in-

47. For the purpose of enabling the Commissioners and district boards respectively to obtain any land, or any right or easement in or over any land, or in, over, arising out of, or otherwise connected with any river, stream, or watercourse which they respectively may require for the purposes of this Act, the Lands Clauses Consolida-

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tion Act, 1845, (except the sections 16 and 17 with reference to the capital to be subscribed, the provisions of that Act with respect to the entry upon lands, the limit of time for the compulsory purchase of lands, the manner of serving notices, the recovery of forfeitures, penalties, and costs, and the access to the special Act), and also the Lands Clauses Consolidation Act Amendment Act, 1860, and the Lands Clauses Consolidation Act Amendment Act, 1869, shall, subject to the provisions herein contained, be incorporated with this Act, and the provisions of the said Acts so incorporated with this Act which would be applicable in the case of a purchase of any land shall be applicable in the case of the purchase of any such right or easement as aforesaid; and for the purposes of this Act the expression the promoters of the undertaking, whenever used in the said incorporated Acts, shall mean the Commissioners or the district board acting under the provisions of the said incorporated Acts and this Act, or either of them, as the case may be: Provided that no purchase shall be made of any land being part of the bed, soil, or banks of that part of the river Thames which is under the jurisdiction of the conservators, nor of any right or easement therein, without the consent of the conservators.

Acts incorporated with this Act.

48. Provided always, that the provisions of the said incorporated Acts, "with respect to the purchase and taking of lands otherwise "than by agreement," shall not be incorporated with this Act, save for the purpose of enabling the Commissioners or district boards to purchase any milldam, weir, or other obstruction, or any interest therein, where it shall have been decided in pursuance of the powers of this Act that the Commissioners or district boards respectively are entitled to do so, and for the purpose of enabling the Commissioners and district boards to purchase compulsorily lands, or any right or easement in or over any land, or in, over, or arising out of, or otherwise connected with any river, stream, or watercourse, in pursuance of a provisional order to be confirmed by Act of Parliament in manner herein-after mentioned.

Restrictions as to purchase of lands.

49. In any case where a district board shall be desirous of taking land compulsorily for the pupose of carrying out any of the works authorised by this Act they shall certify the same to the Commissioners, and if the Commissioners are satisfied of the necessity of such powers, and that the works proposed to be executed are proper and well designed for effecting their object, the Commissioners shall be at liberty, at the cost of such district board, to apply for the sanction of Parliament in manner herein-after mentioned; and in any case where the Commissioners shall be desirous of taking land compulsorily for the purpose of carrying out any of

Commissioners may apply for provisional order.

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the works authorised by this Act they shall be at liberty to apply in like manner for the sanction of Parliament.

Publication of notices.

50. The Commissioners before applying for the sanction of Parliament shall do as follows; that is to say,

(1.) Publish once at least in the "London Gazette," and once at least in each of three consecutive weeks in the months of October and November, or either of them, in some newspaper circulating within the limits of the jurisdiction of the Commissioners, an advertisement describing shortly the nature of the undertaking in respect of which the land is proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of land that they require:

(2.) Serve a notice in manner herein-after mentioned on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands; such notice to be served,—

By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

By leaving the same at the usual or last known place of abode of such person as aforesaid; or

By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such person.

Petition to Inclosure Commissioners.

51. Upon compliance with the provisions herein-before contained with respect to advertisements and notices, the Commissioners may present a petition to the Inclosure Commissioners. The petition shall state the land intended to be taken, and the purposes for which it is required. It shall pray that the Commissioners may, with reference to such land, be allowed to put in force the powers of the said Lands Clauses Consolidation Acts, or some of them, in relation to the purchase and taking of land otherwise than by agreement; and such prayer shall be supported by such evidence as the Inclosure Commissioners require.

Inquiries by Inclosure Commissioners.

52. Upon the receipt of such petition, and upon proof to their satisfaction of the proper advertisements having been published and notices served, the Inclosure Commissioners shall take such petition into their consideration, and they may either dismiss the same, or they may, if they think fit, send an inspector to the district in

which the land is situated for the purpose of making inquiry as to the propriety of assenting to the prayer of such petition.

Notice of inquiries.

53. Before commencing his inquiry the inspector shall give such notice as the Inclosure Commissioners direct of his intention to make the same, and of a time and place at which he will be prepared to hear all persons desirous of being heard before him on the subject matter of such inquiry.

Provisional order by Inclosure Commissioners to be confirmed by Parliament.

54. Upon the completion of such inquiry the Inclosure Commissioners may by provisional order empower the Commissioners to put in force, with reference to the land mentioned or referred to in such order, the powers of the said Lands Clauses Consolidation Acts in relation to the purchase and taking of land otherwise than by agreement; and it shall be the duty of the Inclosure Commissioners, so soon as conveniently may be, to take all proper steps for the confirmation of such provisional order by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly, but previous to such confirmation it shall not be of any validity whatever; and for the purposes of such confirmation the Inclosure Commissioners may schedule such provisional order with any other provisional orders for the confirmation of which they are by any Act of Parliament entitled to apply, and on such terms, as to the costs, charges, and expenses of such confirmation, as they may think right.

Expenses of obtaining provisional order.

55. All costs, charges, and expenses incurred by the Inclosure Commissioners in relation to the obtaining any such Act as aforesaid, or such proportion thereof as the Inclosure Commissioners may think right, shall be paid by the Commissioners or district boards respectively out of the rates leviable by them in pursuance of this Act, and applicable to the works with a view to which the provisional order was obtained.

Proportionate compensation where lands benefited.

56. When any improvement of existing works or construction of new works is undertaken by the Commissioners or district boards for the benefit of any district generally, or of any part of a district, and so partly for the benefit of the lands in or through which the work is executed, then if any damage or injury shall be done by any of the works of the Commissioners or district boards respectively to the lands so benefited, and any claim for compensation in respect of the damage or injury shall be made, the benefit so accruing to those lands may be taken into account in satisfaction, wholly or in part, of the damage or injury.

If no compensation awarded, claimant to pay costs.

57. If any person claim any such compensation, and the question be referred to arbitration, or to justices, or to a jury, and he fail to prove to the satisfaction of the arbitrators, justices, or jury that he has

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sustained any damage or injury exceeding the value of the benefit, if any, or that the compensation, if any, offered by the Commissioners or the district boards was insufficient, the arbitrators, justices, or jury may award such costs to be paid by him to the Commissioners or district boards respectively as the arbitrators, justices, or jury think just, and the amount thereof may be recovered in any court of competent jurisdiction, or as a penalty.

Lands vested in Commissioners for purposes of Act.

58. All lands, rights, easements, or privileges from time to time acquired by the Commissioners under this Act, including so much of the bank, bed, and soil of the river Thames affected under the provisions of this Act, or any of its tributaries as may no longer form part of such banks, bed, or soil, by reason of any works to be executed by or at the expense of the Commissioners, are by this Act vested in them for the purposes of this Act; and if at any time the Commissioners or district boards shall be desirous of selling such lands, all the duties and obligations imposed on the undertakers by the Lands Clauses Consolidation Acts, or any of them, with respect to the sale of superfluous lands, so far as they are applicable thereto, shall attach to the Commissioners or district boards respectively.

Power to local authorities to make agreements with Commissioners.

59. In all cases where any drainage works shall have been, prior to the passing of this Act, executed under the provisions of any public and general or local Act of Parliament, or under any commission of sewers, it shall be lawful for the persons exercising the local authority over such drainage works, herein-after styled "the local authority," to make agreements with the Commissioners upon all or any of the following subjects:

(1.) Whether such drainage works shall be vested in or subjected to the authority of the Commissioners or district boards, or any of them, and if so, whether such vesting and subjecting shall extend to the whole or any part of such drainage works, and as to the terms and conditions upon which the same shall be effected:

(2.) Whether the lands within the jurisdiction of such local authority shall be rated or not by the Commissioners or district boards, and if so, to what extent, and subject to what conditions, and whether in respect of then existing or future works:

(3.) Whether any future drainage works shall be constructed by such local authority within their district, or by the Commissioners or district boards, and as to the terms and conditions of such construction:

(4.) Whether a cesser of the jurisdiction of such local authority, either conditionally or absolutely, shall take place, and as to the terms upon which such cesser shall take place:

(5.) With regard to the amendment, variation, or cancelling any previous agreement or order which may have been made under the provisions herein-after contained:

And in case the Commissioners and such local authority cannot agree, it shall be lawful for the Inclosure Commissioners, upon the application of either party, to make such order as, after hearing both parties by their counsel, attorney, or agent, they may think right in respect of the above matters, and such order shall be binding upon both parties; and in case either party after due notice given shall refuse or neglect to appear at the hearing by the Inclosure Commissioners, it shall be lawful for the Inclosure Commissioners to make such order in the absence of such party so refusing or neglecting to appear, and such order shall be as valid and binding to all intents and purposes as if such party had appeared and been heard, and any such agreement or order shall take effect from a day to be named therein: Provided always, that where a local authority exists under the provisions of any of the Land Drainage Acts or of the Acts for inclosure, exchange, or improvement of land, and exercises its powers over any lands, it shall not be lawful for the Inclosure Commissioners to make any order on so much of the foregoing subjects as are contained in the sub-clauses (1), (2), (4), and (5) in this section, except by consent of a majority consisting of two thirds in number of the owners interested in such lands, and representing two thirds of the value of such lands.

Power to divide expense of improvements in certain cases.

60. Wherever any person is by prescription, by reason of tenure, or otherwise, liable by law to maintain or do any repairs to watercourses, drains, sewers, ditches, banks, or works which the Commissioners or district boards respectively think it necessary to alter or improve, as well for the benefit of the lands on which such works are situate as for the benefit of other lands, it shall be lawful for them to make such alterations or improvements therein as they think proper, and to divide the expense of such alterations or improvements between the persons liable to such maintenance or repairs and the Commissioners, district board, or other person who would have been wholly liable to the expense of such alterations or improvements, if no person had been liable as aforesaid, so as to throw on the party liable to such maintenance or repairs such part of the expense of alterations or improvements as may be equal to what would be incurred for such maintenance or repairs, and to throw on the Commissioners, district board, or other person aforesaid the residue of such expense, and to settle and adjust such proportions, either by some general regulation or by order in each particular case, as they may think proper: Provided always, that nothing in

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this Act contained shall exempt from liability to do any works or to pay the whole cost thereof, any person who, by prescription, by reason of tenure, or otherwise, by law is so liable.

Works of interior drainage to be kept open by occupiers of lands;

61. The several occupiers of lands within the jurisdiction of the Commissioners shall at all times well and sufficiently cleanse, scour, repair, and maintain the several watercourses, drains, sewers, ditches, banks, and other works of internal drainage in connexion with the works of the Commissioners and the district boards, and being within or adjoining their respective lands; and it shall be competent for the Commissioners or district boards respectively to determine what are internal drainage works for the purposes of this and the following section, and to declare the respective liabilities of any such occupiers; and their decision shall be final.

or by Commissioners in default of occupiers.

62. If and whenever any such occupier, for seven days after notice in writing from the Commissioners or district board respectively within whose jurisdiction the said lands are situate, fails to do such cleansing, scouring, repairing, and maintaining as aforesaid, he shall for every such failure forfeit not exceeding five pouuds, and the Commissioners or district boards respectively may execute the work so omitted to be done, and all charges and expenses attending the same shall be repaid to the Commissioners or district board respectively by the occupier in default, and the amount thereof may be recovered in the same manner as herein-after provided for the recovery of rates in arrear.

When new drains completed rights of drainage through old channels to cease.

63. When any new drain, cut, or watercourse made by the Commissioners or district boards is completed so as to admit free and full passage of water through the same for purposes of drainage, but not sooner, all rights of drainage through the old channel for which the new drain, cut, or watercourse is substituted shall, if the Commissioners or district boards respectively so direct, wholly cease.

Power to enter lands to make surveys.

64. It shall be lawful for the Commissioners or district boards respectively, and also for any person who shall or may be employed by them for the purpose, at all reasonable times to enter into and upon, and to continue in and upon, to view, survey, and admeasure the lands within the limits of this Act, and to take such levels as the Commissioners or district boards respectively shall think proper, without let, hindrance, or molestation from any person whomsoever, and without being deemed trespassers for so doing.

Commissioners, &c. may remove obstructions.

65. The Commissioners or district boards respectively acting within their respective jurisdictions, subject to such conditions as are herein-before contained with reference to the improvement of existing works or the construction of new works, shall have full power

and authority to remove or cause to be removed all impediments and obstructions whatsoever, the removal of which is not otherwise by this Act provided for, from time to time, in such parts of the river Thames, not being under the jurisdiction of the conservators, or its tributaries, as are within the limits of this Act, or in any watercourses, cuts, drains, sewers, or other works connected therewith, or which may interfere with the discharge of the waters of the said river or its tributaries, or with the due and proper action of such watercourses, cuts, drains, sewers, or other works.

Penalty on persons refusing or neglecting to remove obstructions.

66. In case any person shall wilfully cause or continue any such impediment or obstruction as aforesaid, and shall for the space of ten days refuse or neglect to remove the same in such manner as the Commissioners or district boards shall direct, after being lawfully required so to do by notice in writing from the Commissioners or district boards respectively within whose district such impediment or obstruction is situate, every such person so neglecting or refusing shall for every such offence, in addition to the cost of removing any such impediment or obstruction, forfeit and pay any sum not exceeding five pounds, and the amount thereof, together with all charges and expenses caused by such refusal or neglect as aforesaid, may be recovered in the same manner as is herein-after provided for the recovery of rates in arrear.

Power to commute liabilities to repair by reason of tenure.

67. The Commissioners or district boards respectively may, with the consent of the Inclosure Commissioners, testified in writing under their common seal, commute for such sums of money as they think expedient the obligation imposed on any person, by reason of tenure, custom, prescription, or otherwise, to repair any walls, maintain any sewer, or do any other work within their jurisdiction.

Nature of commutation.

68. Any commutation so made may be charged either as a gross sum or by way of annuity on the lands of the person in respect of which the original obligation arose, and any charge so created shall be recoverable by the Commissioners in the same manner in which tithe rentcharge is recoverable, and shall have priority over all incumbrances created or to be created by any proprietor of the lands on which the same is charged.

Deposit of record of commutation.

69. The record of any such charge as aforesaid shall be deposited in the office of the clerk of the peace of the county in which the lands, or the greater part of the lands in respect of which such obligation as aforesaid attaches are situate, and such record or any certified copy thereof shall be receivable in evidence in all legal proceedings.

Saving of existing liabilities to repair.

70. Subject to the provisions herein-before contained as to commutation of liability, the liability of any person whomsoever to defray or contribute towards the expense of making, completing, altering,

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amending, or maintaining any sewer or drain, or any walls or works for protecting the land against the force of any river or flood, or doing any other work within the jurisdiction of the Commissioners or district boards respectively, shall continue, and the same may be enforced as if this Act had not passed, and the rates to be levied under this Act shall be made only for purposes to which such liability does not extend.

No works to be done by conservators which may injure works done under this Act without consent of Commissioners or Board of Trade.

71. When any works shall have been executed under the powers of this Act it shall not be lawful for the conservators to execute any works which may have the effect of prejudicially affecting the same without the consent of the Commissioners first had and obtained, and for the purpose of obtaining such consent the conservators shall give to the Commissioners two months notice of their intention to execute any such works, and shall submit to them all necessary plans, drawings, and specifications; and in case the Commissioners refuse their consent to the execution of such works it shall be lawful for the conservators to appeal to the Board of Trade, who shall hear both parties by their counsel, attorney, or agent, and make such order as they may think fit, and upon the making of any order permitting the execution of the proposed works it shall be lawful for the conservators, notwithstanding the refusal of the Commissioners to give their consent, to carry out the proposed works, subject to any modification or alteration thereof which may be required by such order.

Power for conservators to contribute.

72. It shall be lawful for the conservators from time to time to contribute out of moneys belonging to them, or which they may have power to raise under the provisions of any of the Acts relating to the conservancy of the river Thames, such sums of money, in such form and on such terms and conditions as they think fit, towards the expenses of any improvement of existing works or construction of new works incurred or to be incurred by the Commissioners which the conservators may deem beneficial with reference to the navigation of the river Thames, or any of the other duties imposed upon them by the said Acts, or any of them.

Commissioners and conservators may do works in one another's districts.

73. It shall be lawful for the Commissioners, with the consent of the conservators under their common seal, to do and execute within the jurisdiction of the conservators, and it shall be lawful for the conservators, with the like consent of the Commissioners, to do and execute within the jurisdiction of the Commissioners, upon such terms, as to payment or otherwise, as may be agreed upon between the conservators and the Commissioners, any works which might respectively be done or executed by such Commissioners or conservators respectively within their own jurisdiction under the

powers of this Act, or of any of the Acts relating to the conservancy of the river Thames, and the powers by this or any future Act given to the Commissioners may in respect of any works so executed by the conservators be exercised by the conservators, and the powers by any Act given to the conservators may in respect of any works so executed by the Commissioners be exercised by the Commissioners as fully and effectually as if in such respective Acts the words conservators and Commissioners had respectively been contained.

Commissioners and conservators may enter into binding agreements.

74. The Commissioners and the conservators may from time to time, with the consent of the Board of Trade, enter into and carry into effect such agreements under their respective seals as they think fit, relative to the expenses of any works done or executed, or intended to be done or executed by such Commissioners and district boards and the conservators, or either of them, and relative to any contribution made or to be made by the conservators towards the expenses of any works which they may deem beneficial with reference to the navigation of the river Thames, or any of the other duties imposed upon them as aforesaid, and to the raising of money by the Commissioners or conservators for the aforesaid purposes, and any sums agreed to be paid or contributed by the Commissioners and conservators respectively shall be payable out of the rates leviable, or moneys which may be borrowed, under their respective powers, in the same manner as if the expenses had been incurred within their own jurisdiction, and every such agreement shall have the like effect as if it were contained in and enacted by this Act, and shall be binding on and enforceable against the Commissioners and conservators accordingly.

For protection of water supply to the metropolis.

75. Notwithstanding anything in this Act contained, in case any work is done or executed, or proposed to be done or executed by the Commissioners and conservators, or either of those bodies, which, in the opinion of any company named or referred to in section 29 of the Metropolis Water Act, 1852, will injuriously affect either the flow or the purity of the water of the Thames, the company may give notice in writing under its common seal to the Commissioners and conservators respectively, requiring them to alter such work, or not to do or execute the proposed work, as the case may be; and thereupon, in case of difference, 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.

Powers for Commissioners to

76. The Commissioners or district boards may, with the consent of the conservators or any commissioners of sewers from time to

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enter into arrangements with other commissioners.

time having jurisdiction within any adjoining area, do and execute in such adjoining area any works that the Commissioners or district boards might do and execute within their own jurisdiction, upon such terms, as to payment or otherwise, as may be agreed upon between the Commissioners or district boards and such bodies of Commissioners having jurisdiction within an adjoining area, and any sums agreed to be paid by any body of Commissioners in pursuance of this section shall be payable out of the rates leviable by such Commissioners in the same manner as if the expenses had been incurred within their own area, and the powers hereby given to the Commissioners or district boards in relation to another body of Commissioners may be exercised by them in relation to any drainage board constituted under the Land Drainage Act, 1861, or by any such drainage board, or by any body of Commissioners in relation to the Commissioners or district boards respectively.

PART III.—RATING POWERS.

First Commissioners to ascertain expenses of obtaining Act.

77. As soon as convenient after the passing of this Act the first Commissioners shall ascertain the costs, charges, and expenses of, relative, and incidental to the preparing, applying for, obtaining, and passing of this Act, and make an estimate of the expenses incurred or to be incurred by them in fixing the limits of their jurisdiction, and the boundaries of the district boards and other matters incidental thereto, and in obtaining the consent of the Inclosure Commissioners to any order or orders in relation thereto, and also of the expenses of the assessment next herein-after directed to be made, and of levying the rate upon such assessment, and all other costs, charges, and expenses incurred or to be incurred by them in the execution of this Act up to the date of obtaining such consent to the said order or orders, or making the assessment and levying the rate next herein-after ordered to be made and levied.

Commissioners to have an assessment made for purpose of raising such costs by a first rate.

78. When and so soon as the first Commissioners shall have ascertained the amount of such costs, charges, and expenses, and made such estimate as aforesaid, they shall ascertain all lands within the limits of this Act which in their opinion will derive benefit from the exercise of all or any of the powers contained in this Act, and the approximate acreage thereof, and the names of the owners and occupiers thereof, and they shall assess in writing the value or approximate value of such lands in such manner and on such differential or other basis of valuation as they shall think right, and they may assess any of such lands in a nominal value, if they think it just, having regard to the circumstances of the several lands to be assessed, and on the value so assessed they shall levy by an equal pound rate the total amount of all such costs, charges,

and expenses, including the amount of such estimated expenses as aforesaid, and the order directing the levying of such rate (herein-after called the first rate) shall also direct payment of the sums thereby rated to the clerk of the Commissioners on or before a certain day to be therein named, and all moneys arising by such first rate shall be applied by the Commissioners in payment of such costs, charges, and expenses as aforesaid.

Commissioners, &c. to have assessments made.

79. From and after the date fixed by any order of the Commissioners for the election of such district boards, and of the Commissioners to be elected by such district boards respectively, it shall be lawful for the Commissioners and such district boards respectively, or any or either of them, from time to time to make assessments in writing, ascertaining and fixing the probable or actual improved value for purposes of rating of the several lands within the jurisdiction of the Commissioners or the district boards respectively, or any of them, and also of any interest, whether within the jurisdiction of the Commissioners or not, which may in their judgment be likely to be benefited, according to the different degrees of benefit which in their judgment the lands or other interest respectively will derive from any works done, or proposed to be done, under the powers of this Act, and may exclude from such assessments any lands or other interest which in their judgment will not be benefited thereby, and shall also exclude therefrom any lands the benefit to which has been or may be intended to be taken into account in assessing the amount of compensation payable to the owner or occupier of such lands under the provisions of section 56, and from time to time may alter any such assessments in such manner as they in their judgment think fit, and such assessments may be made, subject as herein-after provided, either in respect of special works for the benefit of the whole or of any part of the lands within the jurisdiction of the Commissioners or district boards respectively (herein-after called a special assessment), or in respect of the general purposes of such Commissioners or district boards respectively (herein-after called a general assessment).

Notice to be given of assessment.

80. Copies of the said assessment to be made by the first Commissioners (herein-after called the first assessment), and of any assessments made by the Commissioners or district boards respectively, before being finally approved by the Commissioners or district boards, shall be deposited at the office of the Commissioners or district boards respectively, and notice thereof given by advertisement in three successive weeks in some newspaper published in each of the counties wherein any of the lands so assessed are situate, stating that the said assessment has been so deposited for the inspection of owners and occupiers, and calling upon all persons

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affected thereby to state their objections thereto, if any, within one calendar month from the first publication of such notice, and a copy of any such assessment and of the advertisement shall be served personally upon or sent by registered letter to every person assessed thereunder in respect of any interest not situate within the limits of this Act.

Objection to first assessment and primary appeal against future assessment.

81. If any person think himself aggrieved by any assessment he may, at any time within one calendar month after the first publication of the said notice of the deposit of such assessment, give notice of his objection to the Commissioners or district boards respectively, but no such objection shall be entertained unless notice in writing of such objection, stating the nature and ground thereof, be given to the Commissioners or district boards respectively within such month as aforesaid, and the Commissioners or district boards, on such day as they shall appoint for hearing such objection after due notice thereof to such objector, shall hear and determine the same; and in the case of the first assessment to be made under the provisions of section 78, the decision of the Commissioners shall be final, and in all other cases the decision of the Commissioners or district boards respectively shall be final, unless the same shall be appealed against in manner herein-after provided.

After hearing objections Commissioners to finally approve assessment.

82. After hearing and determining any objection under the last preceding section against such assessment, or if there be no such objection within the time prescribed by such notice as is required by this Act, then at the expiration of such time the Commissioners or district boards, as the case may be, shall finally approve the said assessment, with such modifications or alterations, if any, as they may think right, but no such modification or alteration shall in any way affect the assessment of any person thereby assessed, except so far as it may be affected by diminishing the amount of or cancelling the assessment of any objector: Provided always, that such Commissioners or district boards respectively may alter such assessment in such manner as they think right, giving notice thereof by advertisement or otherwise in like manner as if such altered assessment were a new assessment.

Assessment to be filed when settled.

83. The said assessment, when so finally settled as aforesaid, shall be fairly written or engrossed, and sealed by the Commissioners, or signed by two members of the district board and countersigned by the clerk, as the case may be; and the same, with any plan thereto annexed, which plan shall also be sealed or signed as hereby required with regard to the said assessment, shall be deposited with and kept by the clerk to the Commissioners or district board respectively for the inspection of all persons interested therein, and shall

be admissible in evidence in all legal proceedings; and the production of such assessment shall be conclusive evidence that all the requirements of this Act in respect of such assessment have been duly complied with; but nothing in this Act contained shall prevent any person aggrieved by any such assessment (other than the first assessment) from appealing, in manner herein-after provided, against his being included in such assessment, or in respect of the sum at which he is assessed, or in respect of any other person not being included therein, or of such other person being assessed at too small a sum.

Time during which assessment to be in force.

84. From the date of the final approval of any such assessment, the assessment, subject to any alteration effected therein on appeal, shall be in force, if the same be a general assessment, during the time expressed in such assessment, or if no time be mentioned until a new general assessment is made; and if the same be a special assessment, then in respect of such works only as the said special assessment relates to, or until either the said general or special assessment (other than the first assessment) be cancelled or annulled on appeal; and all rates made for general works, or for such special works respectively, shall be made on the basis of such general or special assessment (as the case may be), subject as aforesaid, during the time such general or special assessment may be in force: Provided always, that notice of the intention of the Commissioners or district boards to make any rate shall be given by advertisement in the two successive weeks next before the making of such rate in some newspaper published in the county or each of the counties wherein any of the lands intended to be rated are situate, stating where and at what time the estimate for such rate may be inspected.

No part of the Thames under jurisdiction of conservators or of any railway to be rateable.

85. No part of the river Thames under the jurisdiction of the conservators, or of the bed, shore, or banks thereof, or of any railway or the works thereof belonging to any railway company, situate within the limits of this Act, shall be subject to any rate to be raised or levied under the powers or for the purposes of this Act.

Power of taxation not to extend to certain property.

86. Nothing in this Act contained shall authorise the Commissioners and district boards, or any or either of them, to include in any rate or assessment the undertaking, revenue, or any property of any company named or referred to in section 29 of the Metropolis Water Act, 1852, or any buildings or any lands covered by buildings, or gardens connected and occupied therewith, except water mills.

Overseers to allow inspection of poor rates.

87. For the purpose of making any assessment under this Act any person appointed by the Commissioners or district boards may inspect, take copies of, or make extracts from, any rate for the

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relief of the poor, or assessments or valuation lists of the parishes or unions within the district; and if any officer having the custody of any rate book, assessment, or valuation list refuses to permit any such inspection, or the taking of any such copies or extracts, he shall for each offence incur a penalty not exceeding five pounds, to be recovered in a summary manner.

Rates prospective or retrospective or both.

88. The Commissioners or district boards respectively may from time to time make rates for the purpose of defraying the costs, charges, and expenses of carrying into effect the powers of this Act, including any deficiency which may have arisen in respect of the costs, charges, and expenses intended to be provided for out of the first rate, and may make any such rate prospectively, in order to raise money to pay costs, charges, or expenses to be incurred thereafter, or retrospectively, in order to raise money to pay costs, charges, or expenses already incurred, or partly prospectively and partly retrospectively, and the making of such rate shall be evidenced in the same manner as is herein-before provided in respect to assessments.

Special rate to be levied on owners of property.

89. Any rate levied by the Commissioners or district boards for the purposes of defraying the aforesaid costs, charges, and expenses of obtaining this Act, and the expense of any improvements in existing works or of the construction of any new works, shall be deemed to be a special rate; and any such rate, except the first rate, shall be raised on a special assessment, and shall be deemed to be a tax on and payable in the first instance by the owners of lands; but except such special rate, rates leviable by the Commissioners or district boards shall be general rates and raised on a general assessment, and shall be payable by the occupiers of such lands; and in making any such special rate the Commissioners or district boards shall state in a separate column of the rate the proportion of the total amount of capital expenditure incurred or to be incurred in respect of the several lands assessed to such special rate.

If owner makes default occupier to pay.

90. Where the owner of any land makes default in paying the amount of any rate payable in the first instance by him, such amount may be levied upon and payment thereof enforced against the occupier of such land, and his goods and chattels, in like manner as if the same were a rate payable in the first instance by such occupier, with this limitation, that no occupier shall be liable to pay on account of any owner any sum exceeding the rent due, including any sum payable under section 91, and subject to this proviso, that any occupier and any person other than the owner may, in the absence of any agreement to the contrary, deduct the sum so paid by him from any rent due in respect of the land, and

that any person from whose rent such deduction shall have been made may deduct the amount thereof from any rent payable by him in respect of such land, and the receipt of the Commissioners or district board for any rate paid by the occupier under the circumstances mentioned in this section shall, to the extent of the moneys therein expressed to be paid, be a discharge as against such owner of an equivalent amount of rent.

Tenant or owner to pay him interest at 5*l.* per cent. on special rate.

91. Where any owner of any lands shall have paid any special rate, and at the time of his becoming liable for the same, the lands or any part of the lands in respect of which such special rate shall have been assessed shall have been demised, or agreed to be demised, either by him or any predecessor in title, either for life or lives, or any term dependent on a life or lives, one of which shall be still in being at the time of the payment of such rate, or for any term of years certain, whereof more than two years shall be still unexpired at the date of the payment of such special rate, the lessee holding under such demise or agreement shall, notwithstanding any covenants or conditions therein, pay to the owner of such lands interest at the rate of five per centum per annum on the amount shown by the separate column of the special rate to be the proportion of the total capital expenditure in respect of the lands held by such lessee from the day on which such special rate is payable for the term of thirty years, if his tenancy shall so long continue under the said demise or agreement, or if his said tenancy shall not so long continue then to the end thereof; and such interest shall be deemed to be added to the rent and liable to the same incidents, and be payable at the times at which the rent is payable under the demise or agreement, and be recoverable by distress in the same manner as rent in arrear.

Sub-lessee to recoup lessee.

92. Where any lessee as last aforesaid, or his predecessor in title in the term thereof, shall have, in accordance with the terms of his lease, sublet the whole or any part of the lands in respect of which he shall be charged with interest as aforesaid for any term whereof two years shall be unexpired on the day on which such special rate is payable, the sub-lessee holding under such lessee shall, notwithstanding any covenants or conditions in his lease, pay to the lessee yearly so much of the interest as the lessee shall have paid in respect of the lands sublet from the date of the first payment by the lessee of such interest for the term of thirty years, if the sub-tenancy shall so long continue, and if it shall not so long continue then to the end of the said sub-tenancy, and such interest shall be deemed to be added to the rent, and liable to the same incidents, and be payable at the times at which the rent is payable under the sub-lease, and be recoverable by distress in the same manner as rent in arrear.

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Where name of owner or occupier unknown.

93. Whenever the name of any owner or occupier liable to be rated to any rate is not known to the Commissioners or district board, after due inquiry, it shall be sufficient to designate him in any assessment or rate as "the owner" or "occupier," as the case may be, of the land in respect of which such assessment or rate is made, without further description.

Owners of unoccupied lands to pay rates.

94. Where any lands rated under this Act are unoccupied at the time of making a rate, the owner thereof shall pay the amount of the rate thereon.

Commissioners may levy rates in respect of arterial drainage, either separately or in gross.

95. The Commissioners may in their discretion either cause a separate special assessment to be made in respect of any work of arterial drainage in manner herein-before provided, or they may ascertain and assess in gross the amount which ought to be charged on each of the district boards affected by such work of arterial drainage in respect thereof, having regard to the annual value of the lands benefited, and to the benefit derived by such lands from the construction of such works.

Commissioners may enforce payment by distress on owners of lands, &c.

96. If the Commissioners make a separate assessment upon all the lands and interests so benefited as aforesaid, they may, subject to the provisions herein contained, levy a special rate directly upon the owners or occupiers of such lands or other interests, notwithstanding that such lands may be situate within the jurisdiction of a district board, or that the person liable in respect of such interests as aforesaid may not be resident or carry on business, or have any goods and chattels within the limits of this Act, and they shall have the power of enforcing payment of the same against the owner or occupier of such lands, or the person liable as aforesaid, by distraining, in manner herein-after provided, upon any goods or chattels belonging to such person, and in the case of such latter person wherever such goods or chattels may be found.

Payment of assessment in gross how to be obtained.

97. If the Commissioners elect to make an assessment in gross upon the district boards, or any of them, under the provisions of section 95, the said Commissioners shall issue precepts under their seal requiring payment of the amount charged against such district board to such person as they may by such precept order, within such time as may be therein limited, and every such precept for any sum assessed upon such district board may specify, subject to appeal on the part of such district board, or of any person affected thereby, the part of such district upon which such sum is assessed.

District boards to raise rates to pay precepts.

98. All sums which any district board may be required to pay by such precept as aforesaid shall be paid within such time as may be therein mentioned, and shall be raised in like manner as if a special rate were required to be raised by such district board for works within their own jurisdiction

Penalty for nonpayment of rates.

99. Where any person liable to pay any rate under this Act fails for fourteen days after the receipt of notice in that behalf to pay the rate to the person authorised to receive the same, at the time and place appointed for the payment thereof, the Commissioners or district boards respectively may impose on any such person, as a penalty, and in addition to the rate due from him, one tenth part of the amount thereof; the same to be recoverable in like manner as the rate.

Rates to be recovered by distress.

100. Where any person liable to pay any rate under this Act fails for twenty-eight days after the receipt of notice in that behalf to pay any rate due from him, the Commissioners or district board respectively may issue a warrant of distress under their seal, or the hands of two of the members of the district board respectively, in such form as the Commissioners or district board respectively may think fit, and the bailiff or other person to whom the warrant is addressed may and shall seize and distrain any goods or chattels of the person so failing, being on the lands in respect of which the rate is payable, or in case of any person liable in respect of any interest not within the jurisdiction of the Commissioners or district board respectively, wherever such goods or chattels may be found, and the distress may be impounded, sold, replevied, dealt with, and disposed of as in case of distress for rent in arrear on lease for years, and the surplus, if any, arising from the sale of any such goods and chattels, after paying thereout the rate and penalty and the expenses of the distress and sale, and the unsold goods and chattels, if any, shall be returned on demand to the person whose goods are distrained.

Lands to remain liable if insufficient distress.

101. Where no sufficient distress for levying the rate, penalty, and expenses can be found on the lands rated, then those lands shall remain a security for payment thereof, and all goods and chattels from time to time thereafter found thereon may be distrained, dealt with, and sold as by this Act provided with respect to the original distress, until all arrears of the rate, penalty, and expenses, and the expenses of every further distress, and all other costs and charges incurred by reason of the nonpayment of the rate, are fully paid and satisfied.

Rates may be recovered by action.

102. Where any rate under this Act is not paid within twenty-eight days after it becomes payable, the Commissioners and district boards respectively may recover the rate and all penalties for nonpayment thereof by action or other proceeding in any court of competent jurisdiction against the person or any of the persons liable to pay the same.

Power to commute rates, &c.

103. The Commissioners and district boards respectively may agree with the owner or occupier of any lands for the commutation,

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for such sums in gross as they think expedient, of any of the rates which they have power under the provisions of this Act to make: Provided always, that in case any other owner or occupier shall be desirous of commuting any rate made under the same assessment to which he is liable, the Commissioners or district boards shall, upon receiving notice of such desire, within six months of any such agreement for commutation, commute such rate at a sum calculated upon the same basis, as to the number of years purchase and otherwise, as the sum at which the latest agreement for commutation of any rate made under such assessment has been made.

Power to limited owner to charge inheritance with special rate.

104. Where any owner of land liable to pay any special rate under this Act is entitled only for life, or for any estate tail, or is a trustee, it shall be lawful for him and he is hereby empowered, in manner herein-after expressed, to charge the amount of such rate on all or any of the lands subject to the special rate, and in which he has such limited or other interest as aforesaid, so as to bind the freehold and inheritance thereof and the tenants in remainder and reversion thereof; provided that such charge shall not be for any sum less than one hundred pounds, nor for any part of a rate which part may be raised for the purpose of paying off any mortgage debt secured on such rate, or the interest thereof, and that such charge shall be effected in such manner as that the principal thereof, together with the interest thereon, shall be paid off and discharged by an equal yearly payment commencing from the date of the borrowing of such amount, and extending over a period of not more than thirty years. Any owner of land authorised, and desiring to make such charge, shall make application to the Inclosure Commissioners, stating such particulars as to the land to be charged, the interest of the owner therein, the amount of the rate, and the amount desired to be raised, and the term for which the loan is to be contracted, as the Inclosure Commissioners shall require, and the Inclosure Commissioners may thereupon issue their order authorising the said charge, and the amount when raised shall be paid to the Commissioners or district board respectively, who shall give a receipt for the same, and any charge contracted under and in compliance with such order shall be a first charge on the freehold and inheritance of the said lands.

Owner may charge sum so raised on inheritance.

105. Where any owner of land whose estate is limited as defined by section 104, or is a trustee, has made an agreement for the payment of a gross sum by way of commutation of rates, or of any obligation to repair, maintain, or do any works under the provisions of sections 67 and 68, such owner shall have all the same powers of raising such sum of money by charging the freehold and inheritance

of the lands, in respect of which such rate was leviable or obligation as aforesaid attached and otherwise, as he would have under the powers of section 104 if the same were to be raised for the purpose of paying a special rate.

Drainage companies may lend money.

106. Any company incorporated by Act of Parliament or by Royal Charter for the purpose of lending money for the drainage or improvement of lands may advance any money authorised to be borrowed for the purpose of carrying out the powers of this Act, or of paying a gross sum by way of commutation of rates or of such obligation as aforesaid.

Mortgage of rates.

107. The Commissioners or district boards respectively may, for the purposes of defraying the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing this Act, or incurred or to be incurred by them under the authority of this Act, or of any other Act of Parliament, law, or custom, borrow and take up at interest, on the credit of the rates authorised to be levied by them, or of any contribution authorised to be made, any sums of money necessary for defraying such costs, charges, and expenses; and for the purpose of securing the repayment of any sums of money so borrowed, together with such interest as aforesaid, the Commissioners may mortgage and assign over to the persons by or on behalf of whom such sums are advanced such rates or contributions, or any of them; but the exercise of the above power shall be subject to the following regulations:

(1.) The borrowing such money shall be sanctioned by an order of the Inclosure Commissioners, which shall be conclusive evidence of the right of the Commissioners to borrow such money, and the receipt under the common seal of the Commissioners shall be a good discharge to the person by or on behalf of whom such sums are advanced:

(2.) Any money so borrowed may, by agreement with the mortgagee, be paid off by equal annual instalments of principal and interest, and such borrowing may be for such time, not exceeding thirty years, as the Commissioners, with the sanction of the Inclosure Commissioners, determine in each case:

And in cases where the Commissioners or district boards borrow any money for the purpose of defraying expenses in respect of which they have determined a part only of the district within their jurisdiction to be liable, it shall be the duty of the Commissioners or district boards respectively, as between the ratepayers of the district, to repay the money so borrowed, with interest thereon, out of rates to be levied on such part of the district only.

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Application of moneys borrowed.

108. All moneys from time to time borrowed by the Commissioners or district boards respectively shall be applied,—

First, in paying such costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act as may remain unpaid; and

Secondly, in and about the execution of such of the works by this Act authorised as the Commissioners or district boards think fit: Provided nevertheless, that such works shall be for the benefit of some of the lands upon the security of the rates in respect of which such moneys have been borrowed; or,

Thirdly, in paying off money borrowed by such Commissioners or district boards respectively under the powers of this Act.

Application of general revenue.

109. All rates (except special rates), penalties, rents, compositions, and other sums whatsoever (except contributions from the conservators) from time to time received by the Commissioners and district boards, not being moneys borrowed by them, shall be carried to the general revenue account of the Commissioners and district boards respectively, and shall be applied as follows:

First, in paying the general expenses of management incurred by the Commissioners and district boards respectively, except as herein-after provided;

Secondly, in paying the interest from time to time payable on the principal sums secured by mortgage, otherwise than on the security of special rates or contributions of the conservators under this Act;

Thirdly, in providing any sinking fund, or in otherwise paying off the principal sums or any part thereof secured by such mortgages;

Fourthly, in making, maintaining, and improving such of the drainage works (including the payment of compensations) as are for the benefit of all or of the greater part of the district over which any such rates are raised, and the making, maintaining, and improvement of which is not provided for out of any special rate, or is not the subject of an agreement for a contribution between the conservators and the Commissioners;

Fifthly, in defraying the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing, or otherwise, any future Act of Parliament, application for which may be sanctioned by two thirds of the Commissioners present at a meeting to be specially convened for the purpose; and

Sixthly, in generally carrying this Act into execution.

Application of special rates and

110. All special rates and contributions whatsoever from time to time received by the Commissioners and district boards respec-

tively shall be carried to a special account of the Commissioners or district boards respectively, and shall be applied as follows:

contributions.

First, in defraying the expenses of making any such special rate, including any special assessment upon which such special rate is based, and in paying the costs, charges, and expenses of any agreement relative to any such contribution, and in paying such portion of the general expenses of management as the Commissioners or district boards may think fair and equitable;

Secondly, in paying the interest from time to time payable on the principal sums secured by mortgage of such special rate or contribution under this Act;

Thirdly, in providing any sinking fund or in otherwise paying off the principal sums or any part thereof secured by such last-named mortgages;

Fourthly, in making, maintaining, and improving any drainage works (including the payment of compensations) for the making, maintaining, and improving of which such special rate may have been levied, or contribution made; and

Fifthly, in otherwise carrying the powers of this Act in relation to such last-named works into execution.

Arrears may be enforced by appointment of a receiver.

111. The mortgagees may enforce the payment of principal and interest due on their mortgages by the appointment of a receiver, and the amount to authorise a requisition for a receiver is three thousand pounds.

Receiver may levy rates if Commissioners or district boards neglect.

112. If the Commissioners or district boards, at any time while any money remains due on any mortgage under this Act, fail for twenty-eight days next after being thereunto requested by notice in writing from any receiver appointed by the mortgagees as hereinbefore provided to exercise all or any of the powers of the Commissioners or district boards for assessing and levying rates so as to provide for the payment of and pay the principal money or interest payable on the mortgage, or any part thereof respectively, then and in every such case the receiver, for the purpose of obtaining payment of the interest or repayment of the principal moneys so payable, shall have and may exercise with respect to the rates so mortgaged, and as far as is requisite, the like powers, rights, and remedies for assessing, rating, and charging the lands and other interests liable to be rated, and collecting, receiving, and enforcing the rates so assessed, as are by this Act given to the Commissioners and district boards respectively for those purposes; and those powers, rights, and remedies respectively, and all other powers and discretions of the Commissioners and district boards respectively incidental or accessory thereto, may be exercised accordingly in the

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name of the Commissioners and district boards respectively; provided that it shall not be necessary for any such exercise of powers, rights, or remedies to use the common seal of the Commissioners, or to hold any meeting of the Commissioners or district boards respectively.

Appeal to quarter sessions.

113. Where any order, requisition, assessment, or rate, other than the first assessment or rate, has been made by the Commissioners or district boards, or either of them, in pursuance of the powers of this Act, any person aggrieved by such order, requisition, assessment, or rate may appeal to the court of quarter sessions against such order, requisition, assessment, or rate, and the court may confirm, cancel, annul, or alter the same accordingly; but no such appeal shall be entertained unless it is made at the quarter sessions which shall be held next after the expiration of twenty-eight days from the service of notice of such order, requisition, assessment, or rate, nor unless ten days notice in writing of such appeal, previously to the quarter sessions, stating the nature and grounds thereof, is served on the Commissioners or district boards respectively against whose order, requisition, assessment, or rate such appeal is brought, nor unless the appellant, within seven days after the service of such notice, enter into recognizances with two sufficient sureties before a justice of the peace of any county, borough, city, or town wherein any lands are situate, which form parts of the limits of this Act, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Power to refer case to arbitration.

114. If at any time after such notice of appeal has been given, and such recognizance has been entered into as aforesaid, it appears to the court of quarter sessions, on the application of either party, that the matter in question in such appeal consists wholly or in part of matters of mere account, or of engineering or other scientific questions, which cannot be satisfactorily tried by the court, it shall be lawful for such court to order that such matters, either wholly or in part, be referred to the arbitration of one or more persons to be appointed by the court, and the award made on such arbitration shall be enforceable by the same process as the order of the court of quarter sessions.

Rate may be levied pending appeal.

115. Notwithstanding that any person may have given such notice of appeal as aforesaid against any rate or assessment made by the Commissioners or district boards, or either of them, it shall be lawful for such Commissioners or district board respectively to recover the amount of any rate at which any person may have been rated by any of the means herein-before provided for the recovery of rates in arrear: Provided always, that in case the court of quarter

session, or any arbitrator appointed in manner hereby provided, shall, upon the hearing such appeal, order the assessment or rate to be cancelled, annulled, or altered, it shall be lawful for such court or arbitrator to order that such rate or any part of it shall not be levied, and thereupon all such powers of recovering rates in arrear shall cease as regards such rate, or such part of it as may be ordered not to be paid, or it shall be lawful for such court or arbitrator to order that the amount of such rate or any part of it, if the same has been already paid by any person, shall be repaid to him by the Commissioners or district boards respectively, and the same may thereupon be recovered by such person from the Commissioners or district boards in a summary manner; but if such court or arbitrator shall make no such order, and so far as any such order shall not extend, any such rate shall be deemed a good rate, and no sum of money, except as herein-before provided, paid by any person in respect of such rate shall be recoverable from the Commissioners or district boards, or any or either of them.

17 & 18 Vict. c. 125. incorporated.

116. The provisions of "The Common Law Procedure Act, 1854," relating to compulsory references, shall be deemed to extend to arbitrations directed by the court of quarter sessions; and the word "court" in the said Act shall be deemed to include the court of quarter sessions.

PART IV.—PENALTIES AND BYELAWS.

Recovery of penalties.

11 & 12 Vict. c. 43.

117. All penalties and sums of money directed to be recovered in a summary manner shall be recovered before two justices in manner directed by the Act passed in the session holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, intituled "An Act to facilitate the performance of the duties of "justices of the peace out of sessions within England and Wales, "with respect to summary convictions and orders," and of any Act amending the same.

Costs of legal proceedings on part of Commissioners.

118. All costs, charges, and expenses incurred by the Commissioners in instituting or defending any legal proceedings instituted or defended by them in their character of Commissioners or members of a district board, may be defrayed out of the rates leviable by them, and no Commissioner or member of a district board shall be personally liable in respect of any such costs, charges, or expenses.

Tender of amends.

119. If any party has committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party makes tender of sufficient amends to the party injured, such last-mentioned party shall not

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recover in any such action, and if no such tender has been made it shall be lawful for the defendant, by leave of the court where such action is pending, at any time before issue joined, to pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Byelaws.

120. The Commissioners may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating the user of all drains and other works vested in them and the district boards, or to be constructed under the powers of this Act, and the times of opening and closing the sluices, and other similar works;

For regulating the time and manner of cleansing the drains, and the prevention and removal of obstructions therein, and the persons by whom such cleansing of the drains is to be performed;

For preserving the lands and works belonging to or under the control of the Commissioners or district boards from injury or obstruction, and for making all necessary repairs and amendments thereof;

For the general management of the works under the control of the Commissioners or district boards:

And they may restrict the operation of any byelaw to any particular district.

Penalty for breach of byelaws.

121. The Commissioners may by their byelaws impose such reasonable penalties on all persons, whether officers or servants of the Commissioners or district boards, or others, offending against the byelaws, as the Commissioners think fit, not exceeding five pounds for any one offence.

Byelaws not in force till allowed.

122. The byelaws for these purposes shall not come into operation until they be allowed by the Inclosure Commissioners, and the Inclosure Commissioners, on the application of the Commissioners, may inquire into any byelaws tendered to them for the purpose, and allow or disallow the same as they shall think right.

Notice of intention to apply for allowance of byelaws.

123. Provided that no such byelaw shall be so allowed, unless notice of the intention of the Commissioners to apply for the allowance thereof be given in a newspaper published in each of the counties of Berks, Oxon, Wilts, and Gloucester one month at least before the hearing of the application, nor unless a copy of such byelaw shall have been sent to the conservators ten days at least before the hearing of such application, and any person desiring to object to any such byelaw, on giving to the Commissioners notice of the nature of his objection ten days at least before the hearing of

the application for the allowance thereof, may, by himself, his counsel, attorney, or agent, be heard thereon, but not more than one objecting party shall be heard on the same matter of objection.

Copy of proposed byelaws to be open for inspection.

124. For one month at least before any such application for allowance, a copy of the proposed byelaws shall be kept at the principal offices of the Commissioners and the district boards respectively, and all persons may at all reasonable times inspect the copy without charge, and the Commissioners shall furnish any person who applies for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words.

Publication of byelaws.

125. The byelaws, when allowed, shall be printed, and the clerks to the Commissioners and district boards respectively shall deliver a printed copy thereof, without charge, to every person interested therein who shall apply for the same; and a copy thereof shall be printed or placed on boards, and put up in some conspicuous part of the principal offices of the Commissioners and district boards, and the boards with the byelaws thereon shall from time to time be renewed by the Commissioners and district boards as occasion requires; and such byelaws so put up in the principal offices of the Commissioners and district boards shall at all reasonable times be open to the inspection of all persons without charge.

Byelaws to be binding on all parties.

126. All byelaws made and allowed according to this Act, when so published and put up, shall be binding upon and be observed by all persons, and shall justify all persons acting thereunder.

Proof of making and existence of byelaws.

127. The production of a written or printed copy of the byelaws purporting to be authenticated by the official seal of the Inclosure Commissioners shall in all cases be evidence of the due making and existence of the same.

Proof of publication of byelaws.

128. For proof of the publication of any such byelaws it shall be sufficient, in absence of proof to the contrary, to prove that a board containing a copy thereof was put up and continued as required by this Act, without producing the same board, and in case of any such board being afterwards displaced or damaged, that it was replaced or restored so soon as conveniently might be.

Commissioners to make orders for controlling district boards.

129. The Commissioners shall from time to time, in order to secure the efficient working and maintenance of the arterial drainage works under their jurisdiction, make such general or special order as they may deem right for the guidance, direction, and control of the district boards, or any of them, as to the levels, construction, alteration, maintenance, and cleansing of the drainage works under the jurisdiction of such district boards, or any of them, and for securing the proper connexion and intercommunication of the

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drainage works of the different districts, and their communication with the arterial drainage works of the Commissioners, and generally for the guidance, direction, and control of the district boards in the exercise of their powers and duties; and all such orders shall be binding on such district boards, and if any district board shall consider itself aggrieved by any such order they shall be at liberty to appeal to the Inclosure Commissioners, who may cancel or vary such order, or make such substituted order as they may think fit.

Penalties by whom to be enforced.

130. The enforcement of all penalties under this Act, or the byelaws from time to time in force under the provisions of this Act, shall, as regards offences committed within the jurisdiction of the district boards, rest with the district board within whose jurisdiction such offence is committed or alleged to be committed, and such penalties shall be awarded and paid to such district board, and applied by them to the general purposes of such district board; and as regards all offences committed beyond the jurisdiction of the district boards, the enforcement of such penalties shall rest with the Commissioners, and such last-named penalties shall be awarded and paid to the Commissioners, and applied by them to the general purposes of the Commissioners.

Notices to be binding on assigns.

131. All notices served by the Commissioners or district boards on any owner, elector, or occupier shall, if due service thereof has been made, be binding on all persons claiming by, from, or under such owner or occupier to the same extent as if such notice had been served on such last-mentioned persons respectively.

Notices on owners to be served personally, or left at their places of abode.

132. Except where a special mode of service is provided by this Act, all notices required to be served by the Commissioners or district boards upon any owner, elector, or occupier of lands shall either be served personally on such parties, or be left at their last usual place of abode, if any such can, after diligent inquiry, be found; but in case any such parties are absent from the United Kingdom, and their last usual place of abode cannot be found after diligent inquiry, such notices shall, in the case of an owner or elector, be left with the occupier of such lands, or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

Notices to corporations and colleges how to be served.

133. If any owner or elector on whom notice is to be served is a corporation aggregate, or joint stock or other company, or body of proprietors, such notice shall be left at the principal office of such corporation, company, or body, or if no such office can, after diligent inquiry, be found, shall be served on some agent, if any, of such corporation, company, or body; but if no such officer or agent can be found it shall be left with the occupier of the lands, or if there be no such occupier, shall be affixed on some conspicuous part of

such lands. In the case of any college such notice shall be served on the head, or bursar, or treasurer of such college, or in the case of the University of Oxford on the vice-chancellor or the registrar.

PART V.—SAVING CLAUSES AND MISCELLANEOUS.

Saving rights of canal owners and wharfingers.

134. Nothing in this Act shall authorise the Commissioners or district boards, or any of them, except so far as is hereby expressly provided,—

(1.) To interfere with any sewers or other works already made and used for the purpose of draining, preserving, irrigating, or improving land so as to injuriously affect the same;

(2.) To interfere with any river, canal, lock, reservoir, or basin, or the supply of water to any river, canal, lock, reservoir, or basin, so as to injuriously affect the navigation on such river, canal, lock, reservoir, or basin, or the use or maintenance thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are by virtue of any Act of Parliament entitled to navigate on or use such river, canal, lock, reservoir, or basin, or in respect of the navigation on or use of such river, canal, lock, reservoir, or basin, any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues;

(3.) To interfere with the works or supply of water of any body, or persons, corporate or incorporate, supplying water to any town or place so as to injuriously affect the same;

(4.) To execute any works in, through, or under any wharves, quays, or basins belonging to the proprietor or proprietors of any inland navigation constituted by Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues;

without the consent of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as are hereinbefore in that behalf respectively mentioned, such consent to be expressed in writing, in the case of individuals under their hands, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, or truestes under the hand of their clerk or other duly authorised officer or agent, and in the case of the conservators, under the hands of their chairman and secretary: Provided always, that, in case of the refusal by such corporation, company, undertakers, commissioners,

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trustees, or individuals of their consent, it shall be lawful for the Commissioners or district boards respectively to appeal to the Board of Trade, who shall hear both parties by their counsel, attorney, or agent, and shall make such order as they may think right with regard to the subject matter of such appeal, and in case such order shall permit any such interference, or the execution of any such works as aforesaid, it shall be lawful for the Commissioners or district board respectively to carry out such proposed works, but subject to any terms and conditions, and in such way only as may be directed by such order, and in accordance therewith; but the right of appeal hereby given shall not apply to any refusal of the conservators.

Commissioners not to injure supply to water companies.

135. Nothing in this Act shall authorise the Commissioners or district boards, or any of them, to affect injuriously the supply of water to which any of the companies named or referred to in section 29 of the Metropolis Water Act, 1852, is from time to time entitled to take from the river Thames.

Commissioners not to injure or diminish water of Thames.

136. Nothing in this Act, except so far as is thereby otherwise expressly provided, shall be deemed to authorise the Commissioners or district boards so to divert or otherwise affect the river Thames or any of its tributaries as in any way to injure or to diminish, in quality or quantity, the supply of water flowing down the said river Thames, nor to abstract or divert, at any point above the upper bridge across the Thames at Lechlade, any water from the channel or course in which, if not interfered with, it would naturally flow, except for the purpose of (under and subject to the provisions of this Act, and with the consent of the conservators, or, in case of their refusal, the order of the Board of Trade, as in this Act provided) altering the said channel or course, or making and maintaining a new channel or course for improving the drainage and regulating or preventing the flooding of lands within the jurisdiction of the Commissioners.

Penalty for draining into sewers or fouling watercourses.

137. No person shall, without the consent of the Commissioners or district board, open any new drain or other work into any of the drainage works of the Commissioners or district boards, and no person shall cause any filthy or unwholesome water or washings of manufactories or mines, or other foul or poisonous liquid, to flow into any watercourse within the jurisdiction of the Commissioners or district boards; and any person offending against this enactment shall incur a penalty not exceeding five pounds, and a further penalty of forty shillings for every day during which the offence is continued; but this section shall not apply to any person having a legal right to cause such water, washing, or liquid as aforesaid to

flow into any existing watercourse, nor to any district in which the conservators have the same or the like powers.

Board of Trade and Inclosure Commissioners may appoint deputy.

138. The Board of Trade and the Inclosure Commissioners respectively shall be at liberty from time to time to appoint a person to act as their inspector or deputy for the purpose of holding any inquiry, considering any application for the consent of the Board of Trade or Inclosure Commissioners respectively, or hearing any appeal, or in any other way carrying into execution the duties imposed by this Act upon the Board of Trade and the Inclosure Commissioners respectively, and may delegate to such inspector, deputy, or other person all or any of the powers of the said Board of Trade and Inclosure Commissioners respectively.

Powers of inspector and deputy.

139. Any inspector, deputy, or other person appointed by the Board of Trade or Inclosure Commissioners in pursuance of this Act may, by summons under his hand, require to appear before him any persons whomsoever, and examine them upon oath or otherwise touching any matter relating to the purposes of the inquiry, and he may, by any such summons, require any parochial officer, or any officer of or acting under any corporation, guardians, or directors of the poor, and any commissioner, trustee, officer, or person acting under any Local Act of Parliament in force within the district to which any such inquiry may relate, to produce before him any surveys, plans, sections, rate books, assessments, or valuation lists, or other like documents which may, by reason of their office, be in their custody or control touching any matter relating to the purposes of such inquiry, and such inspector may examine, inspect, or take copies of any such books, surveys, plans, sections, and documents, or any of them, and whosoever wilfully disobeys any such summons, or prevents any such inspector from examining, inspecting, or taking copies as last aforesaid, or refuses to answer any question put to him by such inspector, or deputy, or other person, shall be liable to a penalty not exceeding five pounds, to be recovered in a summary manner; but no person shall be required to attend in obedience to any summons, unless the reasonable charges of his attendance have been paid or tendered to him.

Board of Trade and Inclosure Commissioners may make all necessary orders.

140. It shall be lawful for the Inclosure Commissioners and the Board of Trade, or any inspector, deputy, or other person appointed by either of the said bodies, to conduct any inquiry, and also for any judge, arbitrator, justices, or jury before whom any proceeding may be had under the provisions of this Act, to make any order with regard to the subject matter of such proceeding, and also as to the costs of such proceeding and incidental thereto, as they may think right, and any order so made shall be binding as well upon any

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person, party to such proceeding, as upon the Commissioners and district boards; and any sum of money ordered to be paid by any such order may be recovered by the person to whom such sum is ordered to be paid, in any court of competent jurisdiction.

Trustees may apply trust funds in payment of rates.

141. Wherever any owner or occupier, or the trustee for any owner or occupier, is seised of lands which have been rated or are liable to be rated under the powers of this Act upon any trust, whether express or implied, and whether such trust be or be not in part for his own benefit as well as for the benefit of any other person, and any moneys, stocks, funds, or securities for money are vested in the same owner or occupier, or the same trustee for any owner or occupier, upon the same or the like trusts, it shall be lawful for such owner or occupier or such trustee to raise out of such moneys, or by sale of such stocks, funds, or securities, or by the appropriation to such purpose of any interest, profit, or dividend arising therefrom, a sufficient sum for the purpose of paying any rates, or any sum agreed upon between the Commissioners or district boards and such owner or occupier or trustee for the commutation of any rates, or of any obligation to maintain, repair, or construct works, and to pay and apply the same accordingly; and all payments and applications of moneys, or of the proceeds of the sale of such stocks, funds, or securities so made as aforesaid, shall be valid and binding on all persons interested under the trust, whether express or implied, or the will or settlement under or by which such moneys, stocks, funds, or securities for money may be held in trust or settled as aforesaid: Provided always, that it shall not be lawful for such owner or occupier or trustee to pay any rate (other than a special rate, and any sum agreed upon for the commutation of a rate, whether special or otherwise) out of any moneys other than the interest, profit, or dividend from time to time accruing on such stocks, funds, or securities: Provided also, that if any such owner or occupier or trustee shall sell any such stocks, funds, or securities under the powers of this section, he shall replace the amount so sold by a sinking fund to extend over a period of not more than thirty years, and shall from time to time cause such sinking fund to be invested in the purchase of Exchequer bills or other Government securities until the same shall be of sufficient amount to replace such stocks, funds, or securities so sold as aforesaid.

Powers of Act cumulative.

142. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on commissioners of sewers by Act of Parliament, law, or custom; and the Commissioners or district boards (who shall for this purpose be deemed to be Commissioners) may exercise such powers, except so far as the same are by this Act, or by any order which may be issued

under the powers of this Act, expressly altered, varied, limited, or taken away, in the same manner as if this Act had not passed.

Not to take property of conservators without consent.

143. Subject to the provisions in that behalf in this Act contained, the Commissioners shall not take or interfere with any part of the bed, shore, or banks of the river Thames under the jurisdiction of the conservators, nor shall they, or any person on their behalf, dredge or take any gravel, soil, or other material from the bed or shore of any part of the river Thames under the jurisdiction of the conservators, or of any creek or inlet thereof, except where, when, and upon such conditions as the conservators of the river Thames approve in writing.

Saving rights of the conservators of the river Thames.

144. Except as herein expressly provided, nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the estates, rights, interests, liberties, privileges, or franchises of the conservators of the river Thames, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of the passing of this Act the said conservators did or might lawfully claim, use, or exercise.

Saving rights of Thames and Severn Canal Navigation.

145. Nothing in this Act contained shall authorise the said Commissioners or district boards, or any of them, to do, permit, or suffer any act, matter, or thing which shall in any way injure, affect, prejudice, or diminish any of the powers, rights, or privileges of the company of proprietors of the Thames and Severn Canal Navigation.

Protecting London and North-western Railway Company.

146. Where the Commissioners or district boards respectively require, for the purpose of executing any of the powers by this Act conferred upon them, to interfere, either permanently or temporarily, with any of the lands, railways, works, or property of the London and North-western Railway Company, then and in every such case all interferences with the lands, railways, works, or property of that company shall be made under the superintendence and to the reasonable satisfaction of the engineer for the time being of that company, but in all things at the expense of the Commissioners or district boards, as the case may be, and so as to cause no injury to any such lands, railways, works, or property, or the passage or conduct of traffic over or at any of the railways or stations of that company; and if any such injury shall arise, then the Commissioners or district boards, as the case may be, shall make full compensation to that company in respect of such injury, and in case of any difference arising as to the mode of executing any of the powers by this Act conferred, involving any such interference as aforesaid, the same shall be determined by a referee to be appointed

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by the Board of Trade, on the application of either party, at the cost of the Commissioners or district boards, as the case may be.

Saving rights of Metropolitan Water Companies.

147. Nothing in this Act shall in any way diminish, prejudice, or derogate from the estates, rights, interests, liberties, privileges, or immunities of any company named or referred to in section 29 of the Metropolis Water Act, 1852, either under any of the Acts of Parliament relating to such company, or to the conservators, or otherwise howsoever, or authorise the Commissioners to cause or permit the flow or passage of sewage or other offensive or injurious matter into the Thames, or into any river, stream, cut, dock, canal, or watercourse communicating therewith, and nothing in this Act shall in any way lessen or diminish the obligations and duties of the conservators with respect to the purification and preservation of the waters of the Thames, or the rights and remedies of any of the same companies in relation thereto.

Saving rights of local boards of health.

148. The powers by this Act granted to the Commissioners and district boards shall not deprive the local boards of health or Improvement Commissioners of any borough, town, or place, situate either wholly or in part within the limits of this Act, of any right or power vested in them for the drainage of the district under their control: Provided always, that nothing in this Act contained shall prevent the Commissioners or district boards from or interfere with their executing the works by this Act authorised.

General saving.

149. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and to all other persons, bodies politic, collegiate, and corporate, local boards of health, and Improvement Commissioners, and their heirs, successors, executors, administrators, or assigns, all such estates, rights, and interests not prejudicial to the drainage of the lands within the limits of this Act, and to the other works authorised by this Act, as they had or enjoyed before the passing of this Act, or could or might have or enjoy if this Act were not passed, and saving also the rights, if any, of the mayor, aldermen, and citizens of the city of Oxford in the bed and soil of the river Thames.

SCHEDULE.

Buscot, Eaton Hastings, Great Faringdon, Littleworth, Buckland, Hinton Waldrist, Longworth, Kingston Bagpuize, Fyfield, Appleton, Eaton, Cumner, Wytham, North Hincksey, Botley, Seacourt, South Hincksey, Kennington, Radley, Thrupp, Wick, Abingdon St. Helen's, Abingdon St. Nicholas, Sutton Courtney, Sutton Wick, Appleford, Long Wittenham, Marsham, Tubney, Drayton, Coleshill, St. Aldate's, Oxford, including the liberty of Granpound, all in the county of Berks; Broadwell, Holwell, Kelmscott, Langford, Clanfield, Blackbourton, Bampton, Brightampton, Shifford, Yelford, Standlake, Stanton Harcourt, Northmoor, Ensham, Cassington, Yarnton, Begbrooke, Woolvercot, Cutslow, Godstow, King's Weir, Port Meadow, Binsey, St. Thomas's, Oxford; St. Aldate's, Oxford; St. Giles', Oxford; St. Ebbe, Oxford; St. Frideswyde, Oxford; Holywell, otherwise St. Cross, Oxford; St. Peter-in-the-East, Oxford; St. Clement's, Christ Church, Temple Cowley, Church Cowley, Iffley with Middle Cowley, Sandford, St. Mary-the-Virgin, Oxford; Littlemore, Nuneham Courtney, Culham, Clifton Hampden, Long Comb, Bladon, Church Handborough, Northleigh, Hardwick, Cogges, Ducklington, Witney, Marston, Elsfield, Islip, Hampton Poyle, Hampton Gay, Bletchington, Kirtlington, Lower Heyford, Upper Heyford, Water Eaton, Gosford, Thrupp, Kidlington, Shipton-on-Cherwell, Tackley, Rousham, Steeple Aston, Noke, Beckley, Otmoor, Merton, Ambrosden, Oddington, Charlton, all in the county of Oxford; Kemble, Ewen, Pool Keynes, Somerford Keynes, Ashton Keynes, Latton, Eisey, Water Eaton, Marston Maisey, Leigh, Cricklade St. Mary, Cricklade St. Sampson, Castle Eaton, Hannington, Inglesham, Coleshill, Highworth, Broad Blunsdon, Blunsdon St. Andrew, Purton, Shorncott, Minety, Oaksey, Eastcourt, Crudwell, Hankerton, all in the county of Wilts; Lechlade, Down Ampney, South Cerney, Cerney Wick, Kempsford, Fairford, Siddington, Preston, Cirencester, and Coates, in the county of Gloucester.

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