



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. clxiii.

An Act to provide for the Sanatory Improvement of the City of *London* and the Liberties thereof, and for the better cleansing, sewerage, paving, and lighting the same. [5th September 1848.]

WHEREAS by an Act passed in the Nineteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act for rebuilding the City of London*, it was enacted, 19 Car. 2.
c. 3. that the Number and Places for all Common Sewers, Drains, and Vaults within the City of *London* and Liberties thereof should be designed and set out by such and so many Persons as the Mayor, Aldermen, and Commonalty of the said City, in Common Council assembled, should from Time to Time authorize and appoint, under their Common Seal, or the major Part of them, to which Persons several Powers and Authorities were thereby given for making new Vaults, Drains, or Sewers, or for cutting into any Drain or Sewer already made, and for altering, enlarging, amending, cleansing, and scouring of any old Vaults, Sinks, or Common Sewers: And whereas an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for consolidating, extending, and rendering more effectual the Powers granted by several Acts* 11 G. 3. c. 29.
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of Parliament for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers within the City of London and Liberties thereof, and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing and removing Obstructions and Annoyances within the same: And

33 G.3. c.75. His Majesty King George the Third, intituled *An Act to explain, amend, and render more effectual an Act passed in the Eleventh Year of His present Majesty's Reign, intituled 'An Act for consolidating, extending, and rendering more effectual the Powers granted by several Acts of Parliament for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers within the City of London and Liberties thereof, and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing and removing Obstructions and Annoyances within the same.'* And whereas an Act was passed in the Fourth Year of

4 G.4. c.114. the Reign of His Majesty King George the Fourth, intituled *An Act for altering and amending Two Acts, passed in the Eleventh and Thirty-third Years of His late Majesty King George the Third, for consolidating, extending, and rendering more effectual the Powers granted by several Acts of Parliament for making, enlarging, amending, and cleansing the Vaults, Drains, and Sewers within the City of London and Liberties thereof, and for paving, cleansing, and lighting the Streets, Lanes, Squares, Yards, Courts, Alleys, Passages, and Places, and preventing and removing Obstructions and Annoyances within the same: And whereas some of the Powers and Provisions of the said recited Acts have been found insufficient for the Purposes intended: And whereas it is expedient that the said Powers and Provisions should be altered and amended, and other Powers granted for the Purposes aforesaid, and for the Sanatory Improvement of the City of London and the Liberties thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said several recited Acts shall be and the same are hereby repealed, save only and except so far as such Acts or any of them repeal the whole or any Part of the same or any other Act or Acts, and save only and except so far as relates to any Acts, Deeds, Contracts, Matters, or Things made or done or entered into before the Commencement of this Act, and any Offences committed before the Commencement of this Act, all which Acts, Deeds, Contracts, Matters, and Things shall be dealt with and enforced, and all which Offences shall be punished, as if this Act had not been passed.*

Recited Acts repealed.

Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

II. And be it enacted, That for the Purpose of enabling the Commissioners to be appointed in pursuance of this Act to effect the Purchases by this Act authorized, and to carry into execution the several Purposes of this Act, "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; and the Provisions of the said Lands Clauses Consolidation Act shall be applicable to the Purposes of this Act, except so far as the same

Provisions

Provisions or any of them are inconsistent with this Act, or are herein-after declared not to extend thereto; and in construing the said Act the Commissioners to be appointed in pursuance of this Act shall be deemed the Promoters of the Undertaking for which such Lands are required.

III. Provided always, and be it enacted, That the Provisions in the said Lands Consolidation Act contained relating to the purchase and taking of Lands otherwise than by Agreement, and also the Provisions therein contained directing Lands not wanted to be sold, and that Lands not sold shall vest in the Owners of adjoining Lands, and that Lands intended to be sold shall be offered to adjoining Owners, and requiring Owners to claim their Right of Pre-emption within Six Weeks, and also with respect to the Recovery of Forfeitures, Penalties, and Costs, shall not extend to this Act or to the Purposes thereof.

Certain Provisions of 8 & 9 Vict. c. 18. not to apply to this Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The City of *London* Sewers Act, 1848."

Short Title of Act.

V. And be it enacted, That from and after the Commencement of this Act the sole Power of ordering, designing, making, enlarging, widening, deepening, raising, altering, removing, repairing, cleansing, and scouring of all Common Sewers, Drains, and Vaults, and of paving, cleansing, lighting, and improving the several Streets within the City, shall be and the same is hereby vested in the Mayor and Commonalty and Citizens of the City of *London*, to be executed by such Persons as by the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, shall from Time to Time be nominated and, under the Common Seal of the Mayor and Commonalty and Citizens, be appointed for that Purpose, which said Persons so from Time to Time to be nominated and appointed shall be and they are hereby constituted Commissioners for carrying this Act into execution, and shall be called "The Commissioners of Sewers of the City of *London*."

Sole Power of cleansing, lighting, and paving the City vested in the Commissioners of Sewers.

VI. And be it enacted, That the Mayor, Aldermen, and Commons, in Common Council assembled, shall, at the First Common Council which shall be holden next after the Commencement of this Act, or at some special Common Council to be called by the Lord Mayor for that Purpose, nominate, and, by Deed under the Common Seal of the Mayor and Commonalty and Citizens, appoint such and so many Persons as they shall think proper, to be the Commissioners for carrying this Act into execution.

Common Council to appoint Commissioners.

VII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Commons, from Time to Time, when and as often as they shall think fit so to do, to nominate, and, by Deed under the Common Seal of the Mayor and Commonalty and Citizens, to appoint such Persons as they shall think proper to be Commissioners for carrying this Act into execution.

Commissioners to be appointed by Common Council from Time to Time.

VIII. And

Commissioners Powers not to be suspended, &c., save by new Appointments.

The Lord Mayor, Recorder, and Common Serjeant to be Commissioners:

Office to be provided for holding Meetings, &c.

Meetings of the Commissioners.

Weekly Meetings to be held.

No extraordinary Business at weekly Meetings, unless Notice be given.

VIII. And be it enacted, That the Authority of the Commissioners for the Time being shall in nowise be suspended or taken away, save by the Appointment from Time to Time of new Commissioners.

IX. And be it enacted, That the Lord Mayor for the Time being of the City of *London*, and the Recorder and the Common Serjeant for the Time being of the said City, shall by virtue of their respective Offices be Three of the Commissioners for carrying this Act into execution.

X. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to provide and maintain a fit and convenient public Office within the said City for holding the Meetings of the Commissioners and transacting the Business of the Commission, and for the Use of their Officers, and for transacting such other Business as the Commissioners shall from Time to Time think fit to allow or shall direct to be transacted therein, and for such Purpose to purchase or hire any Messuage or Tenement or Land which shall by the Commissioners be considered necessary, of and from any Person who shall be willing to sell or let the same, or otherwise to cause any new Erection or Building to be made upon any Land or Ground which shall be purchased or hired under the Provisions of this Act.

XI. And be it enacted, That the Commissioners shall meet and assemble at the *Guildhall* in the City of *London*, or at some other convenient Place within the City, upon the First *Tuesday* next after the Common Seal of the Mayor and Commonalty and Citizens shall have been affixed to their Appointment, at the Hour of Twelve of the Clock at Noon, for the Purposes of this Act, and the Commissioners shall and may, from Time to Time, by Adjournment from such Meeting, or from any subsequent Meeting to be holden under the Authority of this Act, meet together at the same Place, or at any other convenient Place to be from Time to Time appointed by them for that Purpose, and at such Hour as may from Time to Time be appointed by them; and if at any such Meeting there shall not be Seven Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting until another Day, and if no Commissioner shall be present then it shall be lawful for their Clerk to adjourn the Meeting to another Day.

XII. And be it enacted, That the Commissioners may hold weekly Meetings for the Purposes of this Act, and may from Time to Time fix the Day and Hour for holding such Meetings, and upon any such Day and Hour being fixed the Commissioners for the Time being are required to attend such Meetings, without any Notice.

XIII. And be it enacted, That no new Rules or Regulations shall be adopted nor any extraordinary Business discussed at the weekly Meetings, unless due Notice thereof shall have been given at a prior Meeting, and the Subject of such Business notified to each Commissioner

sioner by means of written or printed Notices delivered or left in the same Manner as is herein required for special Meetings.

XIV. And be it enacted, That it shall be lawful for the Commissioners to hold special Meetings; and the Lord Mayor, or any Three or more of the Commissioners, may require a special Meeting to be held; but no such Meeting shall be held unless Two Days Notice thereof at the least shall be given, except in Cases of Emergency.

Special Meetings.

XV. And be it enacted, That all Notices of any adjourned Meeting or special Meeting of the Commissioners to be held under the Authority of this Act shall be in Writing or Print, or partly in Writing and partly in Print, and shall be delivered or sent by the Clerk, by Post or otherwise, to the usual Place of Abode or Place of Business of each of the Commissioners, Two Days at the least previous to such Meeting, except as aforesaid; and every Notice shall specify the Time and Place of meeting, and in case of a special Meeting shall specify the Object thereof, and no Business shall be transacted at any special Meeting except such as is stated in the Notice thereof.

How Notices of Meetings of Commissioners are to be given.

XVI. And be it enacted, That all Powers vested in the Commissioners by this Act may be exercised by any Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Seven or more Commissioners shall be present at any such Meeting; and all Questions at any Meeting shall be decided by a Majority of the Votes of the Commissioners present, and in case of an equal Division of Votes the Commissioner in the Chair shall have a Second or Casting Vote, in addition to his Vote as a Commissioner.

Quorum of Commissioners.

XVII. And be it enacted, That at every Meeting of the Commissioners the Lord Mayor, if present, shall preside as Chairman, instead of the Chairman who may be appointed by the Commissioners under the Authority herein-after contained.

Lord Mayor to preside when present.

XVIII. And be it enacted, That the Commissioners shall take care that their Clerk, or some Person duly authorized by them in that Behalf, shall attend at their Office daily, (*Sundays, Christmas Day, and Good Friday, and Days appointed for any General Fast or Thanksgiving, alone excepted,*) for the Purpose of receiving Notices and transacting the ordinary Business of the Commissioners; and due Notice of the Place of the Office of the Commissioners, and of the Hours during which Attendance is given there, shall be published by the Commissioners in such Manner as they shall think proper, so that the same may be fully and generally known.

Clerk to Commissioners, &c. to attend daily at their Office.

XIX. And be it enacted, That it shall be lawful for the Commissioners present at any Meeting to appoint a Committee for any Purposes which, in the Discretion of the Commissioners, would be better regulated and managed by means of such Committee, and at any Meeting to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be submitted to the general Body of Commissioners, for their Approval.

Committees may be appointed.

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XX. And

Lord Mayor
to be a
Member of
every Com-
mittee.

XX. And be it enacted, That the Lord Mayor shall, without any Appointment, act as Member of all Committees, in addition to the Number appointed, and shall be summoned to and be entitled to attend all Meetings of every such Committee.

Powers of
Committee.

XXI. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee are present; and at all Meetings of the Committee the Lord Mayor, if present, shall preside as Chairman, and in case of his Absence One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote, in addition to his Vote as a Member of the Committee.

Appoint-
ment of
Chairman.

XXII. And be it enacted, That at the First Meeting of Commissioners held next after the Common Seal of the Mayor and Commonalty and Citizens shall have been affixed to their Appointment, or at some subsequent Meeting, the Commissioners shall, by a Majority of the Votes of the Commissioners then present, elect One of their Body to be their Chairman during the Continuance of the Commission by which they are appointed; and at the First Meeting of Commissioners which shall be held next after every subsequent Appointment of Commissioners the Commissioners shall in like Manner elect a Chairman during the Continuance of such Commission; and in case the Chairman shall die, or resign, or cease to be a Commissioner, or otherwise become disqualified to act as such, the Commissioners present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Body to fill such Vacancy; and if at any Meeting or Committee of the Commissioners neither the Lord Mayor nor the Chairman shall happen to be present, the Commissioners present shall choose some One of their Body to preside as Chairman at such Meeting or Committee.

No Resolu-
tion of Com-
missioners to
be revoked at
a subsequent
Meeting, un-
less under
certain Cir-
cumstances.

XXIII. And be it enacted, That no Resolution or other Act at any Meeting shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation, by Notice given by the Clerk Two Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done; but if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then such Revocation or Alteration may be determined upon by a mere Majority.

Proceedings
to be entered
in Books, and

XXIV. And be it enacted, That the Commissioners shall cause Entries of the Names of all the Commissioners who shall be present at

at any Meeting, and Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by or on the Behalf the Commissioners, and of the Acts, Orders, and Proceedings of the Commissioners at their several Meetings, and of all Meetings of Committees, to be duly entered from Time to Time in Books to be provided for that Purpose, which Books shall be kept under the Superintendence of the Commissioners, and shall be signed by the Clerk for the Time being of the Commissioners; and such Entry, so signed, or a Copy thereof, under the Hand of the Clerk, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened and held, or of the Persons making Orders being Commissioners or Members of such Committees respectively, or of the Signature of the Clerk, or of the Presence of the Chairman, all of which Matters shall be presumed, until the contrary be proved; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners.

when signed
by the Clerk,
to be Evi-
dence.

XXV. And be it enacted, That the Commissioners shall and may from Time to Time appoint and employ such and so many Clerks, Surveyors, Collectors, Inspectors of Pavements, Inspectors of Sewers, Inspectors of Nuisances, Medical Officers of Health, Messengers, Officers, Servants, and Persons, to assist in the Execution of this Act, as the Commissioners shall think necessary and proper, and may from Time to Time remove such Clerks, Surveyors, Collectors, Inspectors, Medical Officers, Messengers, Officers, Servants, and Persons, at their Will and Pleasure, and appoint others in the Room of such as shall be so removed, or as may die or resign, or discontinue their Offices, and may make Rules and Regulations for defining and regulating the Duties and Conduct of the several Officers, Servants, and Persons so appointed or employed; and the Commissioners shall and may, out of the Monies arising or to arise by virtue of this Act, pay such Salaries, Gratuities, Wages, and Allowances as they shall think reasonable to such Clerks, Surveyors, Collectors, Inspectors, Officers, and Servants, and to all such other Persons as shall or may be employed or aiding and assisting in the Execution of this Act.

Commission-
ers to appoint
Clerks and
Officers.

XXVI. And be it enacted, That the Chamberlain for the Time being of the City of *London* shall for the Purposes of this Act be and be considered as the Treasurer of the Commissioners.

Chamberlain
of the City to
be Treasurer.

XXVII. And be it enacted, That if any Clerk, Surveyor, or other Officer or Servant appointed or employed by or under the Commissioners shall exact, demand, take, or accept any Fee, Gratuity, or Reward whatsoever, (other than the Salary, Allowances, and Rewards allowed or sanctioned by the Commissioners,) for or on account of anything done or to be done by virtue of his Office, or in relation to the Functions of the Commissioners, or for forbearing to do anything hereby or by the Commissioners directed to be done, or be in any Manner concerned or interested in any Bargain or Contract made by or on the Behalf of the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and shall forfeit Fifty Pounds; and any Person may sue for such Penalty, either by
Action

Penalty on
Officers tak-
ing Fees
other than
those
allowed.

Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Com-
missioners to
take Secu-
rity from
Officers in-
trusted with
Money.

XXVIII. And be it enacted, That before any Person intrusted with the Custody and Control of Money shall enter upon the Office to which he may be appointed by the Commissioners, the Commissioners shall take sufficient Security for the due and faithful Execution by him of his Office: Provided always, that the Security given by the Chamberlain to the Mayor and Commonalty and Citizens for the faithful Execution of his Office shall be considered as a Security given by the Treasurer to the Commissioners within the Meaning of this Act.

Officers to
account.

XXIX. And be it enacted, That every Officer appointed or employed by the Commissioners under or by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and faithful Account in Writing under his Hand of all the Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary
Remedies
against Offi-
cers failing
to account.

XXX. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices at a Time and Place to be set forth in such Summons, to answer such Charge, and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon him, or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Offender to pay the same, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for a Period not exceeding Three Months, unless the same be sooner paid.

XXXI. And

XXXI. And be it enacted, That if any such Officer refuse to make out any such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Commissioners, such Justices may lawfully commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts (if any) in his Possession or Power belonging to the Commissioners: Provided always, that if any Commissioner or other Person acting on behalf of the Commissioners shall declare on Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and does believe, that it is the Intention of any such Officer to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for bringing such Officer before Two Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours without bringing him before some Justice; and it shall be lawful for the Justice before whom such Officer may be brought, either to discharge such Officer, if he think there is no sufficient Ground for his Detention, or to order such Officer to be detained in Custody so as to be brought before Two Justices at a Time and Place to be named in such Order, unless such Offender give Bail to the Satisfaction of such Justice for his Appearance before Two Justices to answer the Complaint of the Commissioners.

Officers refusing to deliver up Documents may be committed to Prison.

Where Officer about to abscond, a Warrant may be issued in the first instance.

XXXII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Commitment not to discharge Sureties.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners, or any Committee appointed by them, to enter into and contract in the Name of the Commissioners with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, or for furnishing Materials or Labour, or for any other Matters or Things whatsoever necessary for enabling them to carry the Purposes of this Act into full and complete Effect, in such Manner, and upon such Terms, and for such Sums of Money, and under such Stipulations, Regulations, and Restrictions as the Commissioners or such Committee shall think proper; and every such Contract shall be in Writing, and shall specify the several Works to be done, and the Materials or Labour to be furnished, and the Prices to be paid for the same, and the Times within which the said Works are to be completed, and the Materials or Labour to be furnished, and the Penalty to be incurred in case of the Nonperformance thereof; and every such Contract may also specify the Person to whose Satisfaction the same are to be completed or finished, and the Mode of determining any Dispute which may arise concerning or in consequence of such Contract.

Commissioners may enter into Contracts.

XXXIV. And be it enacted, That every such Contract shall be executed by any Seven or more of the Commissioners, or by the Clerk of the Commissioners on their Behalf, and also by the Person

Contracts to be executed by Seven Commissioners-

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contracting

ers or by
their Clerk.

contracting to perform the Work or to supply the Materials or Labour mentioned therein ; and all Contracts made according to the Provisions herein contained shall be effectual at Law, and shall be binding upon the Commissioners and all other Parties thereto, their Heirs, Executors, Administrators, or Assigns, as the Case may be ; and on any Default in the Execution of any such Contract, either by the Commissioners or by any other Party thereto, such Actions or Suits may be brought either by or against the Commissioners as might have been brought had the same Contract been made between private Persons only.

Estimates to
be obtained
before com-
mencing
Works to the
Amount of
100*l*.

XXXV. And be it enacted, That before any Contract for the Execution of any Works under the Provisions of this Act to the Amount of One hundred Pounds shall be entered into the Commissioners shall obtain from the Surveyor an Estimate in Writing, as well of the probable Expense of executing the Work in a substantial Manner as of the annual Expense of repairing the same, and also a Report as to the most advantageous Mode of contracting, that is to say, whether by contracting for the Execution of the Work only, or for executing and also maintaining the same in repair during a Term of Years or otherwise.

Previous
Notice to
be given of
Contracts of
the Amount
of 200*l*. and
upwards.

XXXVI. And be it enacted, That before any Contract to the Amount of Two hundred Pounds and upwards shall be entered into Ten Days Notice at the least shall be given in Two *London* daily Morning Newspapers, expressing the Object and Purpose of such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Commissioners at a certain Time and Place in such Notice to be mentioned ; and the Commissioners shall and they are hereby required to take Security for the due and faithful Performance of such Contracts.

Commis-
sioners may
compound
for Breach of
Contract. ;

XXXVII. Provided always, and be it enacted, That it shall be lawful for the Commissioners to compound and agree with any Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any such Action or Suit shall be brought, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, or for or on account of any Breach or Nonperformance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the Commissioners may think proper.

Allowing
Persons not
free of the
City to be
employed on
their Works.

XXXVIII. And be it enacted, That the Commissioners may and they are hereby authorized and empowered from Time to Time to employ under them any fit Person, whether free of the said City or not, in or about all or any of the Works, Matters, or Things which they shall cause to be performed or done by virtue or in pursuance of this Act, and to contract with any such Person for the Performance of such Works, Matters or Things, or any of them ; and that no Person who shall be so employed or contracted with in or about or for any of the Purposes of this Act, nor any Person to be set to work by or under him, shall, for any Act done or to be done in or about the Premises, be subject or liable to be sued for any Breach of the
Custom

Custom of *London*, or for any Penalty inflicted by any Bye Law of the said City.

XXXIX. And be it enacted, That during the Execution of any Contract which may be entered into by the Commissioners the Works in course of being done under such Contract, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such Contract, shall be held to be the Property of the Commissioners.

Materials for Works contracted for to be considered the Property of the Commissioners.

XL. And be it enacted, That it shall be lawful for the Commissioners, in the Name of the Commissioners or of their Clerk for the Time being, to sue and be sued, and to prefer any Bill of Indictment or Information, or take any other Proceedings against any Person who shall steal, take, or carry away, or wilfully deface or injure; any Property, Article, or Thing belonging to the Commissioners; and in every such Case it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Proceeding shall have been taken to be the Property of the Commissioners, as described in this Act, without naming the individual Commissioners; and no Action or Suit shall abate or be discontinued, or require to be transferred, by reason of the Death of any Commissioner, or by his ceasing to be a Commissioner.

How Actions to be brought and Indictments to be preferred.

XLI. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or the Clerk, or their or his Heirs, Executors, or Administrators, or their or any of their or his own proper Lands or Goods, with or for the Performance of anything contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner, or the Clerk, shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages, or Charges have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or of the Clerk, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners; and all such Sums of Money to be recovered by the Commissioners in any such Action or Suit shall be applied to the same Purposes as "The Sewer Rate" by this Act authorized to be levied is directed to be applied.

Commissioners not to be personally liable.

Liability of the Funds in their Hands.

XLII. Provided also, and be it enacted, That no Person, being a Commissioner, or a Member of the Court of Aldermen, or of the Common Council of the City, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of the Commissioners for the Execution of any Works by this Act directed or authorized to be done or executed, or for furnishing Materials or Labour, or for any other Matter or Thing whatsoever,

No Commissioner or Member of the Court of Aldermen or Common Council to be concerned in any Contract.

Penalty. whatsoever, upon pain that every such Contract shall be null and void, and that the Person who, being a Commissioner, or a Member of the said Court of Aldermen or of the Common Council, shall be so interested or concerned therein, shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered in any of the Superior Courts by Action of Debt or on the Case.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

Penalty for Refusal.

XLIII. And be it enacted, That the Commissioners shall cause Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and paid for or on account of this Act, and of the several Purposes for which Sums of Money shall have been received and paid, and which Books shall at all seasonable Times be open to the Inspection of the Commissioners, and every Mortgagee of and Creditor on the Rates payable under this Act, without Fee or Reward; and the Commissioners and Persons aforesaid, or any of them, may take Copies of or Extracts from the said Books, without paying anything for the same; and any Clerk or other Person having the Custody of the said Books, who shall not, on any reasonable Demand, permit any of the Commissioners, Mortgagees, or Creditors as aforesaid to inspect the said Books, or take such Copies or Extracts as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds,

Accounts to be examined and settled annually.

XLIV. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners, together with an Abstract of the same, shall be produced at a Meeting of the Commissioners to be held some Time in or before the Month of *December* in every Year for that Purpose, or at some Adjournment thereof; and the Accounts shall be examined and settled by the Commissioners then present, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Accounts shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions, which Appeal it shall be lawful for any Person interested in such Accounts to institute, previous Notice in Writing of such Appeal having been given to the Clerk Fourteen Days at least before the hearing of any such Appeal.

Statement of Accounts to be prepared, and to be open for Inspection.

XLV. Provided always, and be it enacted, That Fourteen Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended by virtue of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at their Office; and every Mortgagee or Creditor on the Rates payable under the Authority of this Act, and any Person acting on behalf of any such Mortgagee or Creditor, may at all reasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and the Clerk shall, on Demand,

Demand, furnish a Copy thereof to every such Mortgagee or Creditor without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Account the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at their Office ready for the Inspection of the Mortgagees, Creditors, or other Parties interested.

XLVI. And be it enacted, That previously to the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Mayor, Aldermen, and Commons to nominate Three Persons (not being Commissioners) to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors before entering on their Offices shall make and sign before a Justice a solemn Declaration that they will faithfully and impartially discharge the Duties of their Office; and the Auditors so appointed as aforesaid shall receive such Remuneration for their Services as the Mayor, Aldermen, and Commons shall have fixed for the same some Day previously to the Day of the Appointment of such Auditors, which shall be paid to the Auditors by the Chamberlain.

Appoint-
ment and
Payment of
Auditors.

XLVII. And be it enacted, That the Auditors so appointed as aforesaid shall forthwith, or at the Time appointed for that Purpose, attend at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk, in case he shall desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall, by their Clerk, produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, or Writings in their Custody or Power relating thereto; and if the said Account shall be found to be correct, such Auditors shall sign the same; and if such Auditors shall think that there is just cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Part of the said Accounts as shall be so disapproved of to One of the Two then next General Quarter Sessions, Notice in Writing of such Appeal being given to the Clerk Fourteen Days at the least prior to the Hearing of such Appeal.

Auditors to
examine Ac-
counts, and
sign them
if found
correct.

If Auditors
&c. disap-
prove of
Accounts
they may
appeal
against them.

XLVIII. And be it enacted, That the Commissioners shall every Year cause an annual Account or Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Twenty-ninth Day of *September*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk, and shall transmit a Copy of the said Account, free of Charge, to the Town Clerk of the City of *London*, immediately after the same shall have been duly audited and certified as aforesaid, such Account to be preserved by him in his Office, and to be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for

Annual Ac-
count or
Abstract to
be prepared,
and trans-
mitted to the
Town Clerk.

Penalty for Omission to prepare Account.

every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Commissioners to cause a Map to be provided, which shall be open to Inspection.

XLIX. And be it enacted, That the Commissioners shall cause a Map and Plan to be made of the City on a Scale of not less than Sixty Inches to a Mile, and shall cause to be marked thereon the Course of all existing Sewers and Drains, as far as they can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, also the Course of the Pipes for the Distribution of Gas, and such other Works with such other Particulars as the Case may require, and shall cause the said Map to be from Time to Time altered and amended, and Additions made thereto as may be required; and such Map, or a Copy thereof, with the Date expressed thereon of the last Time it shall have be so corrected and amended, shall be kept in the Office of the Commissioners, and shall be open at seasonable Hours to the Inspection of the Owners or Occupiers of any Houses or Buildings within the City who may desire to inspect the same.

Contour Lines to be marked on Map, and Bench Marks to be made.

L. And be it enacted, That the Commissioners shall cause to be inscribed on such Map and Plan a Series of Marks or Figures denoting a complete System of levelling, exhibiting the true Form or Relief of the Ground, and shall also cause to be drawn, wherever practicable, Lines of equal Altitude, commonly called Contour Lines, at every Four Feet of Elevation, or at such other Intervals as may appear upon due Inquiry to be the best adapted for the Guidance of the Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other public and private Purposes within the City, and shall also cause proper Bench Marks to be inscribed and marked at convenient Distances and Places at the Corners of Streets, on Posts, Houses, or other prominent Objects within the City, which Bench Marks the Commissioners are hereby authorized to inscribe.

Ordnance Survey to be procured.

LI. Provided always, and be it enacted, That if any Survey of the City shall have been or shall be made under the Directions of Her Majesty's Board of Ordnance, upon a Scale of not less than Sixty Inches to a Mile, it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct a Copy of such Survey to be procured for the Use of the Commissioners, who shall cause any Additions to be made thereto which shall, on the Advice of the Surveyor of the Commissioners, appear to be requisite for the Guidance of future Improvements to be made within the City; and it shall be lawful for the Commissioners to cause every such Plan to be engraved, printed, or lithographed, and coloured, in such Manner as may appear to them most convenient; and the Costs of every such Map or new Survey shall be paid by the Commissioners out of the Sewer Rate hereinafter authorized to be levied.

Sewers, &c. within the City vested in the Commissioners.

LII. And be it enacted, That all the Sewers and public Drains existing within the City at the Time of the Commencement of this Act, and all Buildings, Materials, and Things connected therewith, and all other Sewers and public Drains which shall at any Time be constructed

constructed and made therein, whether constructed at the Cost of the Commissioners or otherwise, and the entire Management of and Control over such Sewers and public Drains respectively, shall, subject to the Provisions herein-after contained, be vested in the Commissioners.

LIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause to be constructed and made such and so many main and other Sewers, Drains, Vaults, Culverts, and Watercourses as they shall think necessary for the effectual draining of the City, together with all such Reservoirs, Engines, Sluices, Pin-stocks, and other Works as shall be required for properly flushing, cleansing, and ventilating such Sewers and Drains, in, under, or across all or any of the Streets, whether dedicated to the Use of the Public or not, within the City, and, if needful, through and across all underground Cellars and Vaults which they may find under any of the said Streets, doing as little Damage as may be, and making full Compensation for any Damage wilfully or negligently done, and also to cause such and so many Rings or Openings to be made or left in the Sides of the several Sewers as will be sufficient to enable the Owners or Occupiers of any Houses or Buildings erected or built or to be erected or built in, adjoining, or near to any such Sewers to make or branch any Drain from such House into the said Sewers, as the Commissioners shall think necessary and expedient for that Purpose; and in case it shall be found necessary, for completing any of the aforesaid Works, to build, carry, and continue the same into or through or under any inclosed Land, Building, or other Place, not being a public Way, it shall be lawful for the Commissioners to build, carry, and continue the same into, upon, or through or under such Land, Building, or other Place accordingly, making full Compensation to the Owners and Occupiers thereof, and also to cause such Sewers to communicate with and empty themselves into the River *Thames*, or into any public Stream or Watercourse, or to cause the Refuse from such Sewers to be conveyed by an appropriate Channel to the most convenient Site for its Collection and Sale, and its Application as Manure for agricultural Purposes, as may be deemed most expedient, but so that the same shall in no Case become a Nuisance or Annoyance to the Neighbourhood; and all such Sewers and other Works and Premises shall belong to and be at all Times under the Control, Care, and Management of the Commissioners, and of their Surveyors and Officers.

Power to
make Sewers.

LIV. And be it enacted, That the Commissioners shall have Authority, from Time to Time, as they shall see fit, to widen, deepen, embank, alter, arch over, amend, clean, and scour out all or any of the Sewers within the City, and also to cleanse and drain off into any Sewers and otherwise abate all stagnant Ponds, Ditches, and other Receptacles of foul Water and Filth existing within the City; and further, in Cases in which any of the existing or future Sewers vested in the Commissioners shall from any Cause whatever appear to them to have become useless or unnecessary, it shall be lawful for the Commissioners, if they shall think fit to do so, to take up, stop, or fill in and discontinue such old Sewer, in such Manner that the same shall

Commis-
sioners may
deepen and
alter Sewers.

shall not be or become a Nuisance or Annoyance to the Neighbourhood; and for the Purposes aforesaid, except that of taking up, stopping, or filling in old Sewers, the Commissioners are hereby invested with the same Powers and Authorities, and subjected to the same Restrictions, with respect to entering, and building, carrying, and continuing the Sewers, in inclosed and other Lands, as have been given to and imposed upon them with respect to making new Sewers.

Water Companies to supply Water for public Purposes, if required.

LV. And be it enacted, That every present and future Water Company having any Mains or Pipes within the City shall, if they shall be required by the Commissioners so to do, furnish to the Commissioners a sufficient Supply of Water for flushing, scouring, and cleansing the Sewers and Drains, and for supplying Tanks for those Purposes, which for the Time being shall be vested in or be under the Survey and Control of the Commissioners, and for watering the Streets, and for cleansing and washing the Pavements thereof, and for flushing and cleansing Courts, Passages, and public Places, and for supplying any public Cisterns, Pumps, and Conduits, and any public Baths and Wash-houses that may be established for the Use of the poorer Classes, in such Quantities, and at such Times, and in such Places, and upon such Terms, and upon the Payment of such Remuneration as shall be agreed upon between the Commissioners and such Company; and in case of Disagreement such Remuneration shall be fixed by Two Justices, upon the Application of the Commissioners: Provided always, that if such Company shall at any Time, in consequence of a Deficiency of Water, or the unavoidable Stoppage or Suspension of their Works, be unable to supply the Commissioners with Water for the above Purposes, without Prejudice or Hindrance to the regular and sufficient Supply for the domestic Use of the Persons supplied by them with Water, then the Obligation to supply the Commissioners with Water as aforesaid shall cease, so long as any of the said Causes shall exist.

Penalty on Water Company not furnishing a sufficient Supply of Water.

LVI. And be it enacted, That if such Company shall at any Time refuse or neglect, upon being required by the Commissioners so to do, to furnish to the Commissioners a sufficient Supply of Water for the Purposes aforesaid, such Company shall forfeit and pay the Sum of Fifty Pounds for each and every Day during which they shall refuse or neglect to furnish such sufficient Supply of Water, after Notice in Writing shall have been given to the Company by the Commissioners of such Supply being insufficient; but no Penalty shall be payable by such Company if the Failure or Insufficiency of such Supply shall arise from Frost, Drought, or other unavoidable Cause or Accident.

Private Drains communicating with public Sewers to be repaired, &c. by Commissioners.

LVII. And be it enacted, That all such private Drains as now do or by Authority of the Commissioners shall hereafter be made to communicate with any of the public Sewers or Drains in the City shall be repaired and cleansed, under the Inspection and Direction of the Surveyor or other proper Officer of the Commissioners, at the Cost and Charges of the Owner or Occupier of the Houses, Buildings, or Ground to which the said private Drains do or shall respectively belong.

LVIII. And

LVIII. And be it enacted, That the Owner or Occupier of every House, Building, or Ground to which any private Drain may belong shall, upon being required so to do by the Commissioners, forthwith repair and cleanse such Drain, under the Inspection and to the Satisfaction of the Surveyor or other proper Officer of the Commissioners; and if any such Owner or Occupier shall refuse or neglect, for the Space of Fourteen Days next after Notice requiring him so to do shall have been given to him, or left for him at or upon such House, Building, or Ground, to repair and cleanse such Drain in the Manner aforesaid, it shall be lawful for the Commissioners and they are hereby empowered to cause the same to be repaired and cleansed, and to recover the Expenses incurred thereby from the Owner of such House, Building, or Ground in the Manner herein-after provided.

Owners, &c. upon Request, to repair, &c. private Drains.

Penalty if Owner, &c. neglect to repair within Fourteen Days after Notice.

LIX. Provided always, and be it enacted, That no Person shall, by means of any Alteration, Amendment, Enlargement, or Discontinuance of any Sewer, or other Proceeding of the Commissioners under this Act, be deprived of the Use or Enjoyment of any private Sewer or Drain which such Person shall theretofore have been lawfully entitled to use, but the Commissioners shall and they are hereby required, so to construct or alter any such private Sewer or Drain as to render the same as effectual for the Purpose for which it was intended as any such Sewer or Drain might be at the Time of such Alteration, or to provide for the Use of such Person such other Sewer or Drain as shall be equally effectual for that Purpose; and in case the Commissioners shall refuse or neglect so to construct and alter any such private Sewer or Drain, the Use of which may be effected by the Acts of the Commissioners, or to provide such other Sewer or Drain as aforesaid, for the Space of Twenty-eight Days next after Notice in Writing be served upon them, the Commissioners shall forfeit and pay to the Party aggrieved any Sum not exceeding Forty Shillings for every Day after the Expiration of such Twenty-eight Days during which the Commissioners shall refuse or neglect so to construct and alter or to provide such other Sewer or Drain as aforesaid.

Commissioners not to obstruct private Drains without providing others.

Penalty on Commissioners for Neglect.

LX. And whereas it would be of great public Advantage if Facility were given for extending the Drainage in the Neighbourhood of the City: Be it therefore enacted, That it shall be lawful for every Person, being the Owner or Occupier of any Property situate beyond the Limits of this Act, in respect to which the Owner or Occupier would not have been or be liable to the Payment of the Sewer Rate and Assessment by this Act authorized to be made, levied, and collected, with the Consent of the Commissioners, and upon Payment to them of such reasonable Sum of Money as shall be determined by them to be a fair Remuneration for the Use of their Sewers, at his own Expense, to branch into any of the Sewers or Drains vested in the Commissioners or authorized to be made by virtue of this Act, any private Sewer or Drain which in respect of the said Property he may lawfully make therefrom, of such a Size and in such a Manner and Form of Communication in all respects as the Commissioners shall direct or appoint; and in case any Person, otherwise than in respect of Property situate within the City, shall branch any private Sewer or

Owners or Occupiers of Property situate beyond the Limits of the City may make private Sewers, &c. into the Sewers, &c. vested in the Commissioners.

Drain into any of the said Sewers or Drains so vested in the Commissioners, or without paying to them such reasonable Sum as they shall have required for the Use of their Sewers, or shall make any such private Sewer or Drain of a larger Size or in a different Manner and Form of Communication than shall be directed or appointed by the Commissioners, every Person so offending in any of the Particulars aforesaid shall for every such Offence forfeit and pay a Sum not exceeding One hundred Pounds, and it shall also be lawful for the Commissioners to cut off, stop up, or prevent the Communication of such private Sewer or Drain with the Sewers or Drains so vested in the Commissioners, or authorized to be made under or by virtue of this Act.

Commissioners in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer.

LXI. And whereas numerous Houses and Buildings have from Time to Time been erected and built without having proper Drains communicating therefrom with any Sewer, which Proceedings are highly injurious to the public Good: Be it enacted, That in all Cases, wherever any House or Building situate within the City shall at any Time be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Commissioners, and if a Sewer of sufficient Size, under the Jurisdiction of the Commissioners, shall pass along any Street, and within Fifty Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Commissioners, by Notice in Writing, to require the Owner of such House or Building forthwith, or within such reasonable Time as shall be appointed by the Commissioners, to construct and make from such House or Building, into the nearest Common Sewer, a covered Drain, of such Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building, and also, if practicable, of its Areas, Water-closets, Privies, and Offices, (if any,) and to carry and to convey the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide a fit and proper Trap, affixed to the Mouth of such Drain, to the Satisfaction of the Commissioners; and if the Owner of such House or Building shall neglect or refuse, during Twenty-eight Days after the said Notice shall have been delivered to such Owner, or left at such House or Building, to begin to construct such Drain, or shall thereafter fail to carry it on and complete it with all reasonable Despatch, it shall be lawful for the Commissioners and they are hereby empowered to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby in the Manner herein-after provided.

Penalty on Owner, &c. for Neglect.

No House to be built without Drains constructed to the Satisfaction of the Commissioners.

LXII. And be it enacted, That it shall not be lawful to erect any House or other Building within the City unless a Drain be constructed to the Satisfaction of the Commissioners, of such Materials, of such Size, at such Level, and with such Fall as they shall direct, so that the same shall be available for the Drainage of the lowest Floor of such Building, and also of its Areas, Water-closets, Privies, and Offices, (if any,) which Drain shall lead from the intended Site of such House to such Sewer, already made or intended to be constructed near thereto, as the Commissioners shall direct and appoint, or if there

be

be no such Sewer existing or intended to be constructed within Fifty Feet of any Part of the intended Site of such House, then to such covered Cesspool or other Place, not being under any Dwelling House, as the Commissioners shall direct.

LXIII. And be it enacted, That before beginning to lay or dig out the Foundations of any new House or Building within the City, or to rebuild any House or Building therein, and also before making any Drain for the Purpose of draining Water directly or indirectly from any Land or Tenement into any Sewer under the Jurisdiction of the Commissioners, Fourteen Days Notice in Writing shall be given to the Commissioners, by the Person intending to build or rebuild such House or Building or to make such Drain; and every such Foundation shall be laid at such Level as is provided by this Act, and under such Regulations as the Commissioners shall order; and every such Branch Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, as the Commissioners shall order, and the making of every such Drain shall be under the Survey and Control of the Commissioners; and in default of such Notice, or if such House, Building, or Drain shall be begun or erected or made without or in any respect contrary to any Order of the Commissioners or the Provisions of this Act, it shall be lawful for the Commissioners to cause such Building to be demolished, and to cause such Drain to be relaid, amended, or remade, as the Case may require, and to cause the Expenses thereof to be levied and repaid to them by the Owner thereof in the Manner herein-after provided.

Notice of Buildings to be given to the Commissioners before commencing the same.

LXIV. And be it enacted, That whenever any House or Building shall be rebuilt within the City, the Level of the lowest Floor of such House or Building shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before provided in the Case of Houses or Buildings to be built after the Commencement of this Act, and for that Purpose the Levels shall be taken and determined under the Direction of the Commissioners; and whenever any House or Building shall be taken down within Twelve Feet of the Surface of the Ground, for the Purpose of being built up again, such building up shall be deemed a Rebuilding within the Meaning of this Act.

Houses rebuilt to be on a Level determined by Commissioners.

What shall be deemed a Rebuilding.

LXV. And be it enacted, That it shall be lawful for any Person, at his own Expense, to make or branch any Drain into any of the Sewers vested in the Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by them, of such a Size and in such a Manner and Form of Communication in all respects as the Commissioners shall direct or appoint, and for that Purpose to take up and remove so much of the Pavement and other Materials of any Street as may be required, unless the Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such Portion of such Drain as shall lead from the Point of Communication in such Sewer to the Extremity of such Street; and in case any Person shall make or branch any Drain into any of the said Sewers so vested in the Commissioners, or authorized to be made under and by virtue of this Act, of a larger Size or in a different Manner and Form of

Private Drains may be branched into Sewers constructed by the Commissioners, under certain Regulations.

of Communication than shall be directed or appointed by the Commissioners, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds.

Power to Commissioners to branch private Drains into Sewers, at the Expense of the Party to whom they shall belong.

LXVI. And be it enacted, That whenever it shall be necessary to take up or remove any Part of the Pavement or any of the Materials of any Street or public Place, for the Purpose of making or branching any private Drain into any of the Sewers or Drains vested in the Commissioners or authorized to be made by virtue of this Act, it shall be lawful for the Commissioners, in case they shall think fit so to do, to make so much and such Part of such private Drain, and also to construct so much and such Part of the Work necessary for branching the same into the public Sewers or Drains as shall be under or in any Street, and to levy and recover the Costs and Expenses which shall be incurred thereby from the Owner of the House, Building, or Ground to which such private Drain shall belong, in the Manner herein-after provided.

Commissioners may agree to make House Drains at the Expense of Owners.

LXVII. And whereas it would tend to insure a greater Efficiency and Economy in the Execution of the Works if the same were executed by Persons under the immediate Direction and Control of the Surveyor of the Commissioners: Be it enacted, That it shall be lawful for the Commissioners to contract and agree with the Owners of any Houses, Buildings, or Ground that any Drains required to be made, altered, or enlarged by such Owners shall be constructed, made, altered, and enlarged by the Commissioners; and the Cost Price of making, altering, or enlarging such Drains, as certified by the Surveyor of the Commissioners, shall be repaid by such Owners to the Commissioners, and in default of Payment the same may be recovered in the Manner herein-after provided.

Gullyholes, &c. to be trapped.

LXVIII. And whereas the noxious Effluvia arising from Gullyholes of Sewers and Drains has been found to be unwholesome, and injurious to Health, it is therefore expedient that some Provision should be made in respect thereof, to obviate the same: Be it enacted, That the Commissioners and the Owners of any private Drains shall, by providing proper Traps or other Coverings, or by Ventilation, or by such other Ways and Means as shall be practicable for that Purpose, prevent the Effluvia of Sewers and Drains from exhaling through Gullyholes, Gratings, or other Openings of Sewers in any of the Streets or other Places within the City.

Penalty on Persons sweeping Dirt into Sewers.

LXIX. And be it enacted, That no Scavenger or other Person shall sweep, rake, or place any Soil, Rubbish, or Filth, or any other Thing, into or in any Sewer or Drain, or over any Grate communicating with any Sewer or Drain; and every Scavenger or other Person who shall so offend shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Drains, Privies, &c. to be under the Control of the Com-

LXX. And be it enacted, That all Drains, as well within as without the Houses or Buildings to which they belong, and all Privies and Cesspools within the City, shall be under the Survey and Control of the Commissioners, and of the Surveyors and Officers appointed by them

them for that Purpose, and shall be repaired and kept in proper Order at the Costs and Charges of the Owners or Occupiers of the Houses or Buildings to which the same belong; and if the Owner or Occupier of any House or Building to which any such House, Drain, Privy, or Cesspool shall belong shall neglect to repair and to put the same into good Order in the Manner required by the Commissioners, during Fourteen Days after Notice in Writing for that Purpose, signed by the Clerk or other Officer of the Commissioners, shall have been given to such Owner or left upon the Premises, it shall be lawful for the Commissioners to order such Drain, Privy, or Cesspool to be repaired and put in good Order, and to levy and recover the Costs and Expenses thereof from such Owner in the Manner herein-after provided.

missioners,
and to be
kept in good
Order by
Owners or
Occupiers.

LXXI. And be it enacted, That it shall be lawful for the Commissioners, or for their Surveyor or Inspector, or such other Person as they shall appoint to inspect any Drain, Privy, or Cesspool within the City, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing shall have been given to the Occupier of the Premises, or in case of Emergency without Notice, to which such Drain, Privy, or Cesspool is attached, or left upon the Premises, to enter, by themselves or their Surveyor or Inspector and Workmen, upon any Lands and Tenements, and also to cause the Ground to be opened in any Place they shall think fit, doing as little Damage as may be; and if such Drain, Privy, or Cesspool shall be found to be made to the Satisfaction of the Commissioners, and in proper Order and Condition, they shall cause the same to be closed and made good as soon as may be, and the Expenses of opening, closing, and making good such Drain, Privy, or Cesspool shall be defrayed by the Commissioners, and full Compensation shall be made by them for all Damages or Injuries done or occasioned by the opening of any such Drain, Privy, or Cesspool.

Power for
Commis-
sioners to
authorize
Inspection
of Drains,
Privies, and
Cesspools.

LXXII. And be it enacted, That in case any Sewer, Drain, Privy, or Cesspool, or other Work, shall, on Inspection, be found not to have been made according to the Directions and Regulations of the Commissioners, or contrary to the Provisions of this Act, or in case any Person, without the Consent of the Commissioners, shall construct, rebuild, clear out, unstop, or in anywise alter any Sewer, Drain, Privy, Cesspool, or other Work which may have been ordered by them not to be made, or to be demolished, stopped up, or amended, every Person offending shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds; and in case the Person so making any Sewer, Drain, Privy, Cesspool, or other Work, contrary to the Directions and Regulations of the Commissioners, or, without such Consent as aforesaid, constructing, rebuilding, clearing out, unstoping, or altering any Sewer, Drain, Privy, Cesspool, or other Work which may have been ordered to be demolished, stopped up, or amended, shall not, within Seven Days after Notice in Writing by the Commissioners, cause such Sewer, Drain, Privy, Cesspool, or other Work to be altered in conformity with the Directions of the Commissioners, or, as the Case may be, to be demolished, stopped up, or amended, then and in every such Case the Commissioners may cause the same to be done, and the Costs and Charges thereof shall be paid by the Person who

Penalty on
Persons
making or
altering
Drains, &c.
contrary to
the Order of
the Com-
missioners.

shall have so made such Sewer, Drain, Privy, Cesspool, or other Work contrary to the Directions of the Commissioners, or shall without such Consent have constructed, rebuilt, cleared out, or unstopped, or altered any Sewer, Drain, Privy, Cesspool, or other Work which they may have ordered to be demolished, stopped up, or amended.

Power for Commissioners of Sewers in the Neighbourhood of the City to make Communications into their Sewers.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized and empowered to enter into Arrangements with the Commissioners of Sewers in the Neighbourhood of the City, for enabling such last-mentioned Commissioners to turn or branch any of the Sewers or Drains which they may be enabled or authorized to make, or which may for the Time being be under their Management or Control, into any of the Sewers or Drains vested in the Commissioners, or authorized to be made by them, under the Authority of this Act, and in like Manner for enabling the Commissioners to turn or branch any of the Sewers or Drains vested in them, or authorized to be made by them, under the Authority of this Act, into any Sewers or Drains which the Commissioners of Sewers in the Neighbourhood of the City may be enabled or authorized to make, or which may for the Time being be under their Management or Control, in such Manner and upon such Terms and Conditions as shall be mutually agreed upon, and upon the Payment by the one Party to the other of such Sum and Sums of Money, either annually or in gross, as shall be a fair Remuneration for the Use of such Sewers or Drains.

In case of Differences between the Commissioners of Sewers of the City of London and the Metropolitan Commissioners of Sewers, the same to be referred to Board of Trade.

LXXIV. And be it enacted, That if any Dispute or Difference shall arise between the Commissioners under this Act and any Commissioners of Sewers for other Parts of the Metropolis or other Places, concerning the Junction of any Sewers, or the Levels, Lines, Form, or other Matter of Sewers, or concerning the Outlets, Banks, or other Matters wherein the Districts comprised in this Act and those comprised in the Limits of any Commission or Commissions of Sewers shall be interested, or concerning the Cost and Expenses of any Work, or the Proportions to be borne by the City of *London* and other Places not comprised in this Act, or the Terms and Conditions of any such Matters, such Subject of Difference shall be submitted to the Decision of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and after a Notice given Fourteen Days previously of the Intention of submitting such Subject, and which Notice may be given by and served on the Clerk of the Commissioners under this Act and the Clerk to any such Commissioners of Sewers, the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations are hereby authorized and empowered to proceed in the Matter, and to give such Notices for the Attendance of Parties, Officers, and others, and for the Production of Books, Accounts, Maps, and other Information, as may be necessary; and the said Lords of the Committee of Trade may make such Order in the Premises as shall be just; and after such Order the Commissioners under this Act, or under any Act or Commission, may proceed to do such Works for the Purpose of proper Drainage and Sewerage, and properly connecting the Lines of Sewers or otherwise, upon such Conditions, at such Period, and at the Costs of

of such Districts, either wholly or partially, and as the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations shall order, and for these Purposes either Commissioners may enter upon and do Works out of the District for which they may be Commissioners: Provided always, that nothing herein contained shall authorize or empower the said Lords of the Committee of Trade to order any Commissioners of Sewers, except the Commissioners under this Act, to proceed to do any such Works within the City of London and the Liberties thereof, unless the Commissioners under this Act shall refuse or neglect within a reasonable Time to do any such Works required to be done by the said Lords of the Committee of Trade.

LXXV. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Lands, and other Persons, for the Improvement of the Streets, Sewers, and Drains within the City, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same: Be it enacted, That wherever such Work, Act, or Thing shall not be done by the Owner or Occupier or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or if no Time shall be prescribed within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done, and the Expenses which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be paid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

In default of Persons liable to construct Works, the Commissioners to execute the same, and recover Expenses.

LXXVI. And be it enacted, That if any Gas Company, or Person making, manufacturing, or supplying Gas, shall at any Time empty, drain, or convey, or permit or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings, or foul or waste Water, or any noisome or offensive Liquid, Substance, or Thing which may arise or be produced in the making of Gas, into any public Sewer or Drain, every Gas Company or Person so offending shall forfeit and pay the Sum of Two hundred Pounds for each and every Day during which any such Washing, or foul or waste Water, or other noisome or offensive Liquid, Substance, or Thing, shall be permitted or suffered to flow into any public Sewer or Drain.

No Gas Company or other Person to permit Washings, &c. to flow into any Sewer.

LXXVII. And whereas it is highly expedient, for the Purpose of preserving the Health of divers of Her Majesty's Subjects, that better Provision should be made for the Removal of certain Nuisances likely to promote or increase Disease: Be it therefore enacted, That it shall be lawful for the Commissioners, upon receiving a Certificate in Writing in the Form contained in Schedule (A.) to this Act annexed, or to the like Effect, signed by Two duly qualified Medical Practitioners, or by the Medical Officer of Health herein-after mentioned, of the filthy and unwholesome Condition of any Dwelling House or other Building, or of the Accumulation of any offensive or noxious Matter,

Commissioners, on Receipt of Certificate of Two Medical Men, or of the Medical Officer of Health, or on Complaint of any Owner or Occupier of any House

or Building,
as to Ex-
istence of
Nuisances,
to summon
Parties
complained
against.

If Owner,
&c. do not
appear to the
Summons,
Commis-
sioners,
being satis-
fied of the
Nuisance,
may order
Premises to
be cleansed,
&c.

Order, or a
Copy, to be
served on
Owner, &c.,
or affixed to
the Premises.

Penalty on
disobeying
Order.

Matter, Refuse, Dung, or Offal, or of the Existence of any foul or offensive Drain, Privy, or Cesspool, or of any insufficient Drainage, whereby any Nuisance shall arise, or upon the Complaint in Writing of any Owner, Trustee, or Occupier of any House or Building who shall be prejudiced or annoyed by any such Nuisance as aforesaid, stating in Writing the Particulars of the Nuisance complained of, forthwith to summon, in the Form contained in Schedule (B.) to this Act annexed, or to the like Effect, the Owner, Lessee, or Occupier of the Premises described in such Certificate or Complaint, or other the Person charged with the committing or causing of any such Nuisance, to appear before them, to answer the Matters alleged in such Certificate or Complaint; and if such Owner, Lessee, or Occupier, or other Person, shall not appear at the Time and Place named in such Summons, or, having appeared, shall not show sufficient Cause to the contrary, or if there shall not be any Owner, Lessee, or Occupier, or any Person charged with the committing or causing of such Nuisance, or if it appears that such Owner, Lessee, or Occupier, or the Person charged with the committing or causing of such Nuisance, cannot be found, and upon Proof that a Copy of the said Summons was left on the Premises or Place in the Summons mentioned, then, in either of the Cases aforesaid, the Commissioners, upon Proof to their Satisfaction of the Existence of the Nuisance in the said Certificate or Complaint described, shall forthwith make an Order in Writing under the Hand of the Clerk, in the Form contained in Schedule (C.) to this Act annexed, or to the like Effect, for the cleansing, whitewashing, or purifying of any such Dwelling House or other Building, or for the Removal or Abatement of the Nuisance in the said Certificate or Complaint described, within the Period and in the Manner in the said Order to be prescribed (such Period not being more than Two clear Days, of which *Sunday* shall not be one, after Notice of the making of the said Order shall have been given, in pursuance of the Provisions of this Act); and such Order or a true Copy of the same shall be forthwith served upon the Owner or Occupier of the Premises or Place mentioned in such Order, or upon the Person charged with the committing or causing of such Nuisance, or if there be no such Owner or Occupier or Person charged as aforesaid, or if such Owner or Occupier or other Person as aforesaid cannot be served, then such Order, or a true Copy thereof, shall be forthwith affixed upon some Part of such Premises or Place as aforesaid; and if the Dwelling House or other Building in the said Order mentioned shall not be cleansed, whitewashed, or purified, or if the Nuisance in the said Order described shall not be removed or abated within the Period and in the Manner in the said Order mentioned, it shall be lawful for the Commissioners, or the Persons who made the Complaint, and who shall be authorized by the Commissioners so to do, by themselves, their Servants and others, to enter any Dwelling House or other Building or Place in the said Order mentioned, to cleanse, whitewash, or purify such Dwelling House or other Building, or to remove or abate the Nuisance in the said Order described; and if any Person shall wilfully obstruct any Person acting under the Authority and in pursuance of any Order made under the Provisions of this Act, he shall be liable to a Penalty not exceeding Ten Pounds nor less than Two Pounds for every such Offence.

LXXVIII. And

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners, or the Persons who shall have made such Complaint as aforesaid, to take Proceedings to recover from the Owner or Occupier of any Dwelling House, or other Building or Place, or other Persons in any such Order as aforesaid mentioned, all the Costs and Expenses incurred by them in removing or abating any Nuisance, and otherwise carrying such Order into effect, and also the Costs and Expenses incurred incident to the obtaining such Order; and any Justice, upon the Application of the Commissioners, or of the Persons so complaining, shall issue an Order requiring such Owner or Occupier or other Person to appear before him at a Time and Place to be named in such Order; and upon the Appearance of such Owner or Occupier or other Person as aforesaid, or in his Absence upon Proof of due Service of the Order; such Justice, upon Proof that such Costs and Expenses have been incurred by the Commissioners or the Persons so complaining, shall (unless he shall see fit to excuse the Party so charged on the Ground of Poverty or other special Circumstances) order such Owner or Occupier or other Person to pay the Amount thereof to the Commissioners or the Persons so complaining, together with the Costs attending such Order and Hearing, and if the same shall not be paid by the Parties liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress and Sale of the Goods of the Parties liable as aforesaid, and any Justice, on Application, shall issue his Warrant accordingly.

Costs, &c. incurred by Commissioners or Parties complaining may be recovered from Owner or Occupier of the Premises on which the Nuisance existed.

LXXIX. And be it enacted, That all Expenses which may be reasonably and properly incurred in carrying into effect any of the Provisions of this Act relating to the cleansing of Houses or to the Abatement or Removal of Nuisances, and not recovered from Owners or Occupiers under the Provisions herein-before contained, or to any Proceedings had or taken in pursuance of any Order issued under the Authority of this Act for Prevention of any formidable contagious or epidemic Diseases, shall be retained or defrayed out of the consolidated Rate.

Monies expended for the Purposes of cleansing, &c. to be paid out of consolidated Rate.

LXXX. And whereas the Health of the Population, especially of the poorer Classes, is frequently injured by the Prevalence of epidemic and other Disorders, and the Virulence and Extent of such Disorders are frequently due and owing to the Existence of local Causes which are capable of Removal, but which have hitherto often escaped Detection from the Want of some experienced Person to examine into and report upon them, and it is expedient that Power should be given to appoint a duly qualified Medical Practitioner for that Purpose: Be it therefore enacted, That it shall be lawful for the Commissioners to appoint One or more legally qualified Medical Practitioner or Practitioners of Skill and Experience to inspect and report periodically upon the sanatory Condition of the City, to ascertain the Existence of Diseases, more especially Epidemics increasing the Rates of Mortality, and to point out the Existence of any Nuisance or other local Causes which are likely to originate and maintain such Diseases, and injuriously affect the Health of the Inhabitants of the City, and to take cognizance of the Fact of the Existence of any contagious or epidemic Disease, and to point out the most efficacious Mode of

Appointment of Medical Officer of Health.

[Local.]

25 B

checking

checking or preventing the Spread of such Diseases, and also to point out the most efficient Modes for the Ventilation of Churches, Chapels, Schools, Lodging Houses, and other public Edifices within the City, and to perform any other Duties of a like Nature which may be required of him or them; and such Persons shall be called "The Medical Officers of Health for the City;" and it shall be lawful for the Commissioners to pay to such Officers such Salaries as they shall think fit.

Power to Commissioners to order Houses, &c. to be whitewashed and purified.

Penalty for not complying with such Order.

Commissioners to appoint Scavengers.

LXXXI. And be it enacted, That when it shall appear to the Commissioners, either from the Report of any Officer of Health or otherwise, that any House or Part of any House, or the Premises adjoining to any House, is or are in such a filthy or unwholesome Condition that the Health of the Inmates or of the Public is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any House or any Part thereof would tend to prevent or check infectious or contagious Diseases which may have occurred therein, it shall be lawful for the Commissioners from Time to Time, if they shall think it expedient, to order the Owner or Occupier of any House or Dwelling, or any Part thereof, within the City, to whitewash; cleanse, and purify the same, in such Manner and within such Time as the Commissioners may deem reasonable; and if such Owner or Occupier shall not comply with such Order he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day's Neglect thereof, and it shall be lawful for the Commissioners to cause such House or Dwelling, or any Part thereof, to be whitewashed, cleansed, and purified, and to recover the Expense thereof from such Owner or Occupier; provided that when, on account of the Poverty of such Owner or Occupier, or other special Circumstance, it shall appear expedient to the Commissioners to pay the whole or any Part of such Expense, it shall be lawful for them so to do.

LXXXII. And be it enacted, That it shall be lawful for the Commissioners to appoint and employ a sufficient Number of Persons, or to contract with any Company or other Person, for the sweeping, cleansing, and watering of the several Streets within the City, and for collecting and removing all Dirt, Ashes, Rubbish, and Filth, and for the cleaning out and emptying of Privies and Cesspools, Sewers and Drains; and such Persons shall be called Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently execute all such Works and Duties as they shall respectively be employed or contract to perform; and if any such Scavenger fail to sweep and properly cleanse or water any Street which he shall contract or be employed to sweep, cleanse, or water, or shall fail to clean out or empty any Privy, Cesspool, Sewer, or Drain, at the Time and in the Manner appointed by the Commissioners, or on the lawful Request of any Owner or Occupier of any House, or to collect or remove any Dirt, Ashes, Rubbish, or Filth which he shall contract or be employed to remove, at the Time and in manner prescribed by the Commissioners for that Purpose, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

LXXXIII. And

LXXXIII. And be it enacted, That the Dirt, Dust, Nightsoil, and Filth by this Act authorized to be collected from the several Streets, Privies, Sewers, and Cesspools within the City, and all the Dust, Ashes, and Rubbish so authorized to be collected, taken, and carried away from all and every of the Houses or elsewhere within the City, shall be the Property of the Commissioners, and are hereby vested in them, and the Commissioners shall have full Power to sell and dispose of the same for the Purposes of this Act as they shall think proper, and the Money arising from the Sale thereof shall be applied for the Purposes of the Sewer Rate, and the Person purchasing the same shall have full Power to take, carry away, and dispose of the same for his own proper Use and Benefit.

Refuse collected to be vested in Commissioners, who shall dispose of the same in aid of the Sewers Rate.

LXXXIV. And be it enacted, That in case the Scavengers shall be required by the Owner or Occupier of any House or Land to remove the Refuse of any Trade, Manufacture, or Business, or of any Building Materials, such Owner or Occupier shall pay to the Scavengers a reasonable Sum for such Removal, such Sum, in case of Dispute, to be settled by any Justice; and in case of Refusal or Neglect of such Owner or Occupier to pay the Sum awarded by such Justice, within Three Days next after Demand thereof, the Justice may cause the same to be levied by Distress and Sale of his Goods or Chattels, the Surplus, if any, arising by such Sale, to be paid to such Owner or Occupier.

Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades.

LXXXV. And be it enacted, That if the Dung or Soil of any Stable or Cowhouse, or other Collection of refuse Matter, (except Stable Dung in a Stable Yard, in a Pit or Heap properly prepared for the Purpose), shall at any Time be allowed to accumulate within the City for more than Fourteen Days, or for more than Seven Days after a Quantity exceeding a Cubic Yard shall have been collected, such Dung, Soil, or Refuse shall, if not removed within Twenty-four Hours after Notice from any Officer of the Commissioners, become vested in the Commissioners; and it shall be lawful for them, or the Person for the Time being having the Contract for doing so, to remove and sell and dispose of the same as the Property of the Commissioners, and the Money thence arising shall be applied to the Purposes of the Sewers Rate; and if any Person shall allow any Dung, Soil, Dirt, Ashes, or Filth to accumulate within his Dwelling House or other Building or Place for more than Three Days after the Scavenger shall have applied to remove the same, such Person, upon being lawfully convicted, shall be subject to a Penalty not exceeding Forty Shillings and not less than Five Shillings, to be recovered and applied as other Penalties under this Act.

Regulations to prevent Accumulation of Dung, &c.

LXXXVI. And be it enacted, That any Occupier of any House or Lands or other Person who shall refuse or not permit such Dung, Soil, Dirt, Ashes, or Filth to be taken away by the Scavengers appointed by or contracting with the Commissioners as aforesaid, or who shall obstruct the said Scavengers in the Performance of their Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for obstructing Scavengers in Performance of their Duty.

LXXXVII. And

Penalty for allowing stagnant Water to remain in any Cellar or Yard.

LXXXVII. And be it enacted, That any Owner or Occupier of any House or any Person who shall suffer any waste or stagnant Water to remain in any Cellar or Place within any Dwelling House, or in or on any Yard or Garden attached thereto, for Twenty-four Hours after Notice from the Commissioners, or from any Inspector of Nuisances, to remove the same, or shall permit or suffer the Contents of any Water-closet, Privy, or Cesspool to overflow or soak therefrom, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings, and a further Sum of Forty Shillings for every Day during which such Offence shall be continued; and the Commissioners shall abate every such Nuisance, and the Expenses incurred by them in so doing shall be repaid to them by the Owner or Occupier of the House or Premises in which the same exists, and be recoverable from him in a summary Manner.

Power to Commissioners to appoint Inspectors of Nuisances.

LXXXVIII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required to nominate and appoint One or more Person or Persons to superintend and enforce the due Execution of all Duties to be performed by the Scavengers appointed under the Authority of this Act, and to report to the Commissioners all Breaches of the Rules and Regulations of the Commissioners, and to point out the Existence of any Nuisances; and every such Person shall be called an Inspector of Nuisances; and the Commissioners shall require every such Inspector to provide and keep a Book, in which shall be entered all the Complaints made by any Inhabitant of the City of any Deficiency in the Supply of Water, and of any Infringement of the Provisions of this Act, or of the Rules and Regulations made by the Commissioners for the Preservation of due Order and Cleanliness or for the Suppression of Nuisances, as may be required by the Commissioners, and every such Inspector shall forthwith inquire into the Truth or otherwise of such Complaints, and report upon the same to the Commissioners at their next Meeting, and such Report, and the Order of the Commissioners thereon, shall be entered in a Book, which shall be kept at the Office of the Commissioners, and shall be open at all reasonable Times to the Inspection of any Inhabitant within the City; and it shall be the Duty of such Inspector, subject to the Direction of the Commissioners, to make Complaints before any Justices, and take legal Proceedings for the Punishment of any Person for any Offence under this Act, or any Rules or Regulations made by the Commissioners by virtue thereof.

Places to be provided in which the Bodies of the Poor may remain until Interment.

LXXXIX. And whereas the Poor at all Times have great Difficulty in obtaining and frequently are utterly unable to obtain a fit and proper Place in which their Dead may remain until removed for Interment, but are compelled to let the Corpse remain in the Room which the Living occupy, whereby great Mortality is often occasioned, especially in Cases of contagious and infectious Disorders: Be it enacted, That it shall be lawful for the Commissioners, from Time to Time, if they shall think fit so to do, to provide fit and proper Places in which the Poor, under proper Rules and Restrictions, may be permitted to deposit the Bodies of their Dead previously to Interment, and to cause the Bodies so deposited therein to be decently taken care of so long as the Commissioners shall allow the same to remain.

XC. And

XC. And be it enacted, That whenever any fit and proper Places for the temporary Reception of the Dead shall have been provided by the Commissioners as aforesaid, it shall be lawful for the Officers of Health, in all Cases in which any dead Body shall have been suffered to remain in a Room occupied by any living Person, if they shall consider it necessary so to do, for the Purpose of preserving or benefiting the Health of the Inmates of the House in which such Body may lie, or of the Houses adjoining thereto, to cause such Body to be removed, at the Expense of the Commissioners, to the nearest Place or Building provided or erected by the Commissioners for the Reception of dead Bodies previously to Interment.

Officers of Health may require Bodies to be removed.

XCI. And whereas the Owners and Keepers of Lodging Houses of an inferior Description, for the Accommodation of Mendicants, Strangers, and other Persons for the Night or other short Periods, allow the same to be crowded, by receiving more Lodgers than such Lodging Houses are adapted to contain with a due Regard to Health, and allow Persons afflicted with Fever and other Diseases of a contagious or infectious Nature to remain in them till Infection has been communicated to other Lodgers, and receive other Lodgers into the Apartments and Beds from which diseased Persons have been removed without any purifying or other disinfecting Process: Be it enacted, That whenever the Medical Officer of Health shall certify that the Owner or Keeper of any common Lodging House has received into such Lodging House more Lodgers than the same is adapted to contain with a due Regard to Health, or has allowed Persons afflicted with contagious or infectious Disorders to remain therein, or has received other Lodgers into the Apartments and Beds from which diseased Persons have been removed without previously purifying and disinfecting the same, and Notice of the Medical Officer of Health having so certified, shall have been given by the Commissioners to the Owner or Keeper of such Lodging House, or left for him at or upon the said House, it shall not be lawful for the Owner or Keeper of such Lodging House, after such Notice shall have been so given or left as aforesaid, to accommodate or receive any Lodgers therein unless and until such House shall have been registered in a Book to be kept by the Commissioners for that Purpose; and it shall be lawful for the Commissioners from Time to Time to fix and determine the Number of Lodgers who may be accommodated in each such Lodging House, and the Names of the Keepers of such Lodging Houses shall be recorded by the Commissioners in a Register to be kept for that Purpose, and the Commissioners may order that a Ticket containing the Number of Lodgers for which the House is registered, and any Rules or Instructions of the Commissioners regarding Health, Cleanliness, or Ventilation, shall be hung up or placed in a conspicuous Part of each Room into which Lodgers are received; and the Keepers of all such Lodging Houses shall at all Times give Access thereto, when required by any Person or Persons appointed by the Commissioners, for the Purpose of making an Inspection and Inquiry, or for the Purpose of introducing, using, or performing any disinfecting Process which the Commissioners may order; and the Expenses incurred by the Commissioners in so introducing, using, or performing any disin-

For the Registration and Inspection of Lodging Houses.

fecting Process shall be recoverable by them in a summary Manner from the Owner or Person keeping the Lodging House in which the same shall have been so introduced, used, or performed; and if any Keeper of such Lodging House shall offend against any of these Provisions he shall be liable for each such Offence to a Penalty not exceeding Five Pounds, and the like Penalty for every Day after the first upon which any such Offence shall be continued; and the Expression "common Lodging House" shall, for the Purposes of this Act, mean any public Lodging House, not being a Licensed Victualling House, in which Persons are harboured or lodged for Hire for a single Night or for less than a Week at One Time, or in which any Room is let for Hire to be occupied by more than One Family at One Time.

Existing Slaughter-houses to be registered.

XCII. Provided always, and be it enacted, That every Place which at the Time of the passing of this Act shall be used as a Slaughter-house shall, within Three Months after the Commencement of this Act, be registered by the Owner or Proprietor thereof at the Office of the Commissioners, under the Penalty of a Sum not exceeding Five Pounds for such Offence, and the like Penalty for every Day after the first during which such Place shall be used as a Slaughter-house without having been so registered; and in case any such Slaughter-house shall be discontinued the same shall not be again used as such without having been first duly registered, under the Penalty of a Sum not exceeding Five Pounds for such Offence, and the like Penalty for every Day after the first upon which the said Offence shall be continued.

Fee on Registration of existing Slaughter-houses.

XCIII. And be it enacted, That on the Registration of any Slaughter-house which shall be existing at the Time of the passing of this Act there shall be paid to the Clerk such Sum as the Commissioners shall direct, not exceeding the Sum of Five Shillings.

Penalty on using as a Slaughter-house Places not heretofore used as such.

XCIV. And be it enacted, That no Place shall be used or occupied as a Slaughter-house which shall not have been so used previously to the passing of this Act; and in case any Person shall use as a Slaughter-house any Place not heretofore used as such, every Person so offending shall for each Offence forfeit a Sum not exceeding Five Pounds, and the like Penalty for every Day after the first upon which the said Offence shall be continued.

Commissioners may make Rules for the Cleanliness and Regulation of Slaughter-houses, and fix Penalties.

XCV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Rules and Regulations as to them may seem proper for the Preservation of Cleanliness in and the better Regulation and Management of every Place now used for the Purpose of or as a Slaughter-house, or for the killing of Cattle, and also to fix and appoint such pecuniary Penalties for the Nonobservance or Nonperformance of such Rules and Regulations as the Commissioners may think just and reasonable, not exceeding Five Pounds for any One Offence, to be recoverable in like Manner as other Penalties under this Act may be recovered.

Justice may suspend for a Time the

XCVI. And be it enacted, That it shall be lawful for any Justice before whom any Person shall be convicted of killing or dressing any

any Beast or Cattle contrary to the Provisions of this Act, or of the Nonobservance of any of the Rules and Regulations by this Act authorized to be made as aforesaid, in addition to the Penalty imposed on such Person under the Authority of this Act, in case such Person shall be the Owner or Proprietor of any registered Slaughter-house, to suspend for any Period not exceeding Two Months the slaughtering or killing of Cattle therein; and it shall also be lawful for such Justice, upon the Conviction of any Person for a Second or other subsequent and like Offence, in addition to the Penalty imposed under the Authority of this Act, in case such Person shall be the Owner or Proprietor of any registered Slaughter-house, to prohibit absolutely the slaughtering or killing of Cattle therein.

slaughtering of Cattle in registered Houses.

XCVII. And be it enacted, That if after the Commencement of this Act any Person shall within the City carry on the Trade or Business of a Knacker, or deal in dead Horses or other Carrion, such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and the like Penalty for every Day after the first upon which such Offence shall be continued.

Penalty on Persons carrying on the Trade of a Knacker within the City.

XCVIII. And be it enacted, That the Commissioners shall, for the Purposes of this Act, and for carrying the several Provisions therein contained into full and complete Effect, have full Power and Authority to enter, or to order and direct their Surveyor, Medical Officer of Health, Inspectors of Nuisances, or other Officers or Contractors employed by them, at all reasonable Hours in the Daytime, to enter into and upon any House or Building within the City, and into and upon the Land on which any House, Building, or other Erection is built, or being built, or intended to be built, and into and upon any Ground on which there may not be any House or Building, or any Part thereof, without being liable to any Action at Law or Suit in Equity, or any other legal Proceedings or Molestation whatever, for or on account of such Entry, or the Works done or to be done in pursuance of this Act.

Commissioners empowered to enter upon Lands and Houses for the Purposes of this Act.

XCIX. And be it enacted, That it shall be lawful for the Commissioners to require the Owner of any House to which no sufficient Privy or Ashpit is attached to provide such proper Privy to the same, in such Situation, not disturbing any Building already erected, and with such proper Door and Covering to such Privy, and also such fit and sufficient Ashpit, and in such Situation, not disturbing any Building already erected, as the Commissioners shall consider requisite for the Use of the Inmates and Occupiers thereof; provided that a Privy and Ashpit, or Two or more Privies and Ashpits, may, with the Approbation of the Commissioners, be used in common by the Inmates and Occupiers of Two or more such Houses.

Commissioners may require Owners of Houses to provide Privies and Ashpits for the same.

C. And be it enacted, That no House shall hereafter be built without there being constructed, to the Satisfaction of the Commissioners, either in such House or in a Yard attached to such House, a Privy, with proper Doors and Coverings to the same, and also an Ashpit, together (if required by the Commissioners) with a proper Funnel

No House to be built without a Privy and Ashpit being provided.

Funnel or Flue or other Means of carrying off upwards any offensive Stench from such Privy and Ashpit.

Water-closets to be provided in Manufactories.

Penalty for Neglect.

CI. And be it enacted, That it shall be lawful for the Commissioners, if they shall think fit so to do, by Notice in Writing to the Owner or Occupier of any House or Building in which Persons of both Sexes above Twenty in Number are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, to require such Owner or Occupier to provide, within a Time to be limited in such Notice, a sufficient Number of Water-closets or Privies for the separate Use of each Sex; and if any such Owner or Occupier shall neglect or refuse to comply with such Notice he shall forfeit a Sum not exceeding Twenty Pounds, and a further Sum of Forty Shillings for every Day during which such Neglect or Refusal shall continue.

Owners of Houses to keep Privies and Ashpits in repair.

CII. And be it enacted, That the Owner of every House now built or hereafter to be built shall keep the Privy and Ashpit belonging to such House, or used by the Inmates or Occupiers thereof, in good Repair, to the Satisfaction of the Commissioners; and if the Owner of any House shall not provide the same with a Privy, with such Door and Covering to the same, and with such Ashpit as aforesaid, or shall not repair the said Privy and Ashpit, to the Satisfaction of the Commissioners, within One Month next after Notice in Writing for that Purpose from the Clerk or Surveyor to the Commissioners shall have been given to such Owner, or left for him at his usual or last known Place of Abode, or upon or affixed to the Premises in respect of which the same shall be given, every Owner so making default shall for every such Default forfeit any Sum not exceeding Five Pounds, and any further Sum not exceeding Ten Shillings for every Week during which such Default shall in anywise continue unamended.

If Owners or Occupiers do not empty Privies within Three Days after Notice, Commissioners may cause the same to be done, at the Owner's Expense.

CIII. And be it enacted, That if the Owner or Occupier of any House shall not, within Three Days after Notice from the Commissioners requiring him to empty and cleanse the Privy or Cesspool belonging to such House, or used by the Inmates or Occupiers thereof, cause such Privy or Cesspool to be effectually emptied and cleansed, it shall be lawful for the Commissioners to cause such Privy or Cesspool to be emptied and cleansed, and to dispose of the Soil removed therefrom in such Manner as they shall think fit; and it shall be lawful for the Commissioners to recover from such Owner or Occupier the Costs and Expenses incurred thereby in the Manner provided by this Act for the Recovery of Penalties and Forfeitures.

Power to Commissioners to cause public Conveniences to be erected.

CIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, if they shall think fit so to do, to build, form, and erect such Urinals, Necessaries, and other similar Conveniences, in such Situations as they shall deem proper, for the Accommodation of the Public, and to alter or remove any existing Urinals, Necessaries, and other similar Conveniences.

CV. And

CV. And be it enacted, That it shall be lawful for the Commissioners to require the Owner of any House in or to which there shall not be or be attached a sufficient Cistern for Water to provide such fit and capacious Cisterns, of such Materials and in such Situations, and with such proper Coverings and Cocks and other necessary Apparatus, as the Commissioners shall consider necessary, for the Use of the Occupiers thereof, and to require such Owner, and also the Owner of every House in or to which there shall be or be attached a sufficient Cistern, to compound or agree with some Water Company for a sufficient Supply at all Times of good and wholesome Water, and to keep such Cisterns well and sufficiently cleansed, and the same, and every thing relating thereto, in good Order and Repair, so that the Occupiers of such House may at all Times be enabled conveniently to supply themselves with a sufficient Quantity of Water; provided that in Cases of Houses in Courts One Cistern, if of a sufficient Size, may, with the Consent of the Commissioners, be provided for the Inmates or Occupiers of Two or more such Houses.

Commissioners may require Owners of Houses to provide Cisterns.

CVI. And be it enacted, That no House shall hereafter be built without there being erected, to the Satisfaction of the Commissioners, either in such House or in a Yard attached thereto, a fit and capacious Cistern, with a proper Covering and Cock and other necessary Apparatus attached thereto; and it shall be lawful for the Commissioners to require the Owner of such House to compound with some Water Company for a due and sufficient Supply of wholesome Water.

No House to be built without a Cistern being provided for the same.

CVII. And be it enacted, That if the Owner of any House shall refuse or neglect, for the Space of Seven Days next after Notice in Writing from any Inspector of Nuisances or other Officer of the Commissioners requiring him so to do, to provide such House with a fit and capacious Cistern, with a proper Covering and Cock and other necessary Apparatus attached thereto, or properly to cleanse such Cistern, or to put the same, or the Covering or Cock or other necessary Apparatus attached thereto into good Repair, or to compound or agree with some Water Company for a sufficient Supply of wholesome Water, to the Satisfaction of the Commissioners in all respects, it shall be lawful for the Commissioners to cause a fit and capacious Cistern, with a proper Covering and Cock and other necessary Apparatus attached thereto, to be provided and set up in some convenient Place in such House or Yard, or, as the Case may be, to cause the same to be properly cleansed and put into good Repair, and to compound or agree with some Water Company for a due and sufficient Supply of wholesome Water, and for such Purposes to enter into and upon any such House or Yard at all reasonable Times, and to do all necessary Acts for any of the Purposes aforesaid; and the Costs and Expenses incurred thereby, and the Monies paid under or in respect of such Composition or Agreement, shall be repaid to the Commissioners by the Owner of such House, and in default of Payment the same may be levied and recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

If Owners neglect, Commissioners may order Cisterns to be provided at their Expense.

CVIII. And be it enacted, That if any Candle-house, Melting-house, Melting-place, or Soap-house, or any Boiling-house for Offal,

[*Local.*]

25 D

Commissioners may order Nuisances

sances to be
abated.

or any Manufactory or other Building, Place, or Matter, erected, made, or commenced to be carried on in the City after the Commencement of this Act, shall be certified to the Commissioners by any of the Officers of Health, or any Two legally qualified Medical Practitioners, to be a Nuisance, and injurious to the Health of the Inhabitants, it shall be lawful for the Commissioners to summon the Person by or on whose Behalf such Nuisance is carried on to appear before them, to answer the Matter alleged in such Certificate; and it shall be lawful for the Commissioners, after inquiring into the Matter of such Complaint, by an Order in Writing under the Hand of the Clerk to direct and order the Person by and on whose Behalf such Nuisance is carried on to discontinue and remedy the same, within such Time as to them shall appear expedient: Provided always, that if it shall appear to the Commissioners that in carrying on the Business complained of the best Means then known to be available for mitigating the injurious Effects of such Business have not been adopted, it shall be lawful for them to suspend their final Determination, upon Condition that the Person so complained against shall undertake to adopt within a reasonable Time such Means as the Commissioners shall think to be practicable, and order to be carried into effect, for mitigating or preventing the injurious Effects of such Business.

Penalty for
Disobedi-
ence of
Orders of
Commis-
sioners.

CIX. And be it enacted, That if any such Nuisance as aforesaid shall not be discontinued or remedied within such Time as shall be ordered by the Commissioners, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of such Time as aforesaid: Provided always, that when any Person who shall think himself aggrieved by any such Order shall, according to the Provisions contained in this Act, appeal against any such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Five Days after the Determination of such Appeal and the Confirmation of such Order, unless such Appeal shall cease to be prosecuted.

After Com-
mencement
of Act, no
Interment in
any Grave
which shall
not leave
Five Feet
clear of Soil
above the
Coffin.

CX. And be it enacted, That from and after the Commencement of this Act no Coffin shall be interred in any Grave in any Burial Ground within the City, in which, after the Interment thereof, there shall not be left at least Five Feet of Soil remaining below the ordinary Surface of such Burial Ground, clear of every Part of the Coffin so to be interred in such Grave; and if the Sexton or other Person having the Preparation or the immediate Charge of the Preparation of the Grave to receive such Coffin shall permit the Coffin to be interred in such Grave, or if the Minister, Churchwarden, Trustee, or other Person having the Control of the Burial Ground shall knowingly permit any Coffin to be interred in any Grave in which there shall not be left, after the Interment thereof, Five Feet at the least of Soil, measuring below the ordinary Surface of such Burial Ground, clear of any Part of the Coffin so to be interred, every such Sexton or other Person having the immediate Charge of the Preparation of the Grave, and every such Minister, Churchwarden, Trustee, or other Person having the

the Control of the Churchyard, Burial Ground, or Cemetery in which such Interment shall be made, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

CXI. Provided always, and be it enacted, That if any Sexton or other Person having the Preparation or the immediate Charge of the Preparation of Graves in any Burial Ground within the City shall be guilty of a second or other subsequent Offence against this Act, it shall be lawful for the Justice before whom he shall be convicted of such second or other subsequent Offence, if such Justice shall think proper so to do, but not otherwise, instead of awarding any pecuniary Penalty in respect of such Offence, to adjudge that the Offender be incompetent to execute the Office of Sexton, or any other Office giving him the Charge of the Preparation of the Graves in any Burial Ground within the City, either permanently or for such Time as shall be declared by such Justice; and if any such Sexton or other Person, after having been so declared incompetent as aforesaid, shall during the Term of such his declared Incompetency act as Sexton, or act in any Manner in the Preparation of any Grave within the City, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds.

Power to Justices to suspend Sextons from their Offices.

CXII. Provided always, and be it enacted, That the Provisions herein contained for the Discontinuance or Restriction of Interments shall not apply to Vaults or Catacombs; provided further, that it shall not be lawful to place any Corpse in any Vault or Catacomb unless the same shall be inclosed in a Coffin made of or lined with Lead of sufficient Strength, and perfectly air-tight, or otherwise inclosed in Pitch of Half an Inch in Thickness between an interior and exterior Coffin of Wood; and every Person placing or aiding in placing, or permitting any Corpse to be placed, in any Vault or Catacomb, without the same being inclosed in a Coffin made of or lined with Lead of sufficient Strength, and perfectly air-tight, or inclosed in Pitch in the Manner herein-before directed, shall for every such Offence be liable to a Penalty of not less than Twenty Pounds.

Restriction as to Interments not to extend to Vaults or Catacombs. Penalty on placing any Corpse in a Vault, &c. otherwise than in Lead.

CXIII. And be it enacted, That if any Person shall roast or burn, boil, distil, or otherwise decompose, any Root, Drug, or other Article or Thing, in any House or Building, and thereby cause offensive or injurious Smells or Vapours to be emitted therefrom, so as to become a common Nuisance, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds for the first Offence and Ten Pounds for every subsequent Offence.

Penalty on Persons causing offensive Smells

CXIV. And be it enacted, That every Person who shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Night-soil, Soaples, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Twelve at Night, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully clean and sweep any Place in which any such offensive Matter shall have been placed, sloped, or spilled, shall forfeit

Penalty on emptying Privies or conveying offensive Matter at improper Times.

forfeit a Sum not exceeding Forty Shillings, and in default of the Apprehension of the actual Offender the Driver or Person having the Care of the Cart or Carriage employed for any such Purpose shall be deemed the Offender.

Lamps, &c.
vested in the
Commis-
sioners.

CXV. And be it enacted, That all the public Lamps and Lamp Posts, and Lamp Irons and Fittings, which at the Time of the Commencement of this Act or hereafter shall be within the City, shall be and the same are hereby vested in the Commissioners.

Regulations
for lighting
Streets.

CXVI. And for the better lighting the Streets, be it enacted, That it shall be lawful for the Commissioners from Time to Time to enter into Contracts with such Gas Companies and other Persons as they may think fit, to supply Gas, or to light the City by any other Mode, and to cause such and so many Lamps to be set up in such Places within the City in such Manner as they shall judge necessary and proper, and the Commissioners shall order and direct at what Time the Lights within the same shall be lighted, and how long they shall continue lighted, and shall from Time to Time give such other Orders and Directions in the Premises, and shall set such Fines for Neglect or Nonperformance of Contract as they shall think needful for the well and sufficient lighting the City.

Penalty for
wilfully
damaging,
&c. of Lamps.

CXVII. And be it enacted, That if any Person shall wilfully take away, break, or throw down or damage any Lamp that now is or hereafter shall be set up for lighting any of the Streets, or wilfully extinguish the Light within the same, or damage the Iron or other Furniture thereof, it shall and may be lawful to and for any Person whosoever who shall see such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other Warrant, to convey him, or to deliver him into the Custody of a Police Officer in order to be secured and conveyed, before some Justice; and if the Party accused shall be convicted of such Offence he shall forfeit and pay the Sum of Forty Shillings for each Lamp so broken, thrown down, or damaged, or for every Light so extinguished, or for the Iron or other Furniture thereof so damaged as aforesaid.

Persons
carelessly or
accidentally
breaking or
damaging
Lamps, &c.
to make
Satisfaction.

CXVIII. And be it enacted, That in case any Person shall carelessly or accidentally break, throw down, or damage any of the said Lamps so set up or hereafter to be set up as aforesaid, or the Iron or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice, upon Complaint to him made by any One credible Person, to summon before him the Party who shall be complained of for doing such Damage, and upon hearing the Allegations and Proofs upon Oath touching the same, or upon the Nonappearance of the Party so complained of and summoned, to award such Sum of Money by way of Satisfaction for such Damage as such Justice shall think reasonable; and in case of Refusal or Neglect of the said Party to pay the Sum of Money so awarded, within Three Days next after Demand thereof, to cause the same to be

be levied by Distress and Sale of his Goods or Chattels, the Surplus (if any) arising by such Distress and Sale to be paid to him.

CXIX. And be it enacted, That the Property of the Pavements and other Materials as well in the Carriageways as Footways of the Streets, and all Erections and Buildings, and all Materials, Implements, and Things relating to or used or to be used in or about the making or repairing thereof, shall, subject to the Provisions herein-after contained, be and the same are hereby vested in the Commissioners.

Property of the Pavements vested in the Commissioners.

CXX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the City, or any Part thereof respectively, to be paved or repaired, when and as often and in such Form and Manner and with such Materials as the Commissioners shall think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the Channels running in, into, or through the same to be turned or altered, in such Manner as they shall think proper, and all such Mains and Pipes as now lie or hereafter shall be laid underground to be taken up, and new laid in such Places, Manner, and Form as they shall judge best.

Regulations for paving Streets.

CXXI. Provided always, and be it enacted, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, shall be vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner.

Owners possessing Freehold of Courts, &c. to pave the same.

CXXII. And be it enacted, That the Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, to the Satisfaction of the Commissioners, sufficiently pave the same, and lay, at a proper Level, through, over, or along such Part thereof as the Commissioners may require, a Channel or Gutter, and keep such Pavement and Channel or Gutter in good Repair to the Satisfaction of the Commissioners; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, shall not sufficiently pave the same as aforesaid, or shall not lay down therein such Channel or Gutter, or shall not repair and keep the same respectively in good Repair, to the Satisfaction of the Commissioners, within Fourteen Days after Notice in Writing requiring him so to do shall have been given to him by the Commissioners, every such such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners to cause such Court, Passage, or public Place to be paved, or such Channel or Gutter to be laid down, or, as the Case may be, to be repaired and put into good Order, and to levy and recover the Costs and Expense thereof from such Owner in the Manner by this Act provided.

Owner of Courts to flag them, and keep the Flagging in repair.

Penalty on Owners for Neglect.

CXXIII. And be it enacted, That no Water shall be permitted to flow from any House upon the Footway of any Street or upon the Pavement of any Court or Passage, but all such Houses shall be drained by Pipes, to communicate with Tunnels below the Surface of

Water from Houses to be conveyed by Drains.

the Pavement of the Footway, Court, or Passage, and, where impracticable on account of the Level of the Street, Court, or Passage, by Channels formed on the Pavement of the Footway, Court, or Passage; nor shall any Water be pumped up or discharged from any House upon the Footway of any Street or upon the Pavement of any Court or Passage, but the same, when necessary to be so pumped up and discharged in consequence of any Tempest or Flood, may be conveyed over or under the Footway, or over or under the Pavement of any Court or Passage, by Spouts or Tanks, to the Drain or Channel of the Street.

Under-ground Drains to be formed.

CXXIV. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the City shall cause the Water to be conveyed from such House or Building by Iron Drains or Tunnels, or Iron Drain Gutters, below the Surface of the Pavement of the Footpath, and for that Purpose it shall be lawful for any such Owner or Occupier, with the Consent of the Commissioners, to take up so much of the Pavement of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor, and all Damage which may thereby be occasioned to the Pavement of the Footpath or Carriageway shall be made good at the Expense of such Owner or Occupier.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

CXXV. And be it enacted, That no Vault, Arch, or Cellar shall be made under any Street within the City without the Consent of the Commissioners first obtained; and that all such Vaults, Arches, and Cellars hereafter to be made within the City shall be substantially made, and so as not to interfere or communicate with any Drains or Sewers under the Control of the Commissioners, without their Consent first obtained; and if any Vault, Arch, or Cellar shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners to fill up the same, and the Expenses incurred thereby shall be paid by the Person making such Vault, Arch, or Cellar.

Commissioners to pave new Streets, on One Third of the estimated Expense being paid by the Owners.

CXXVI. And be it enacted, That in case the Owners of any Houses forming the principal Part of any new Street laid out or made or hereafter to be laid out or made within the City, which has not previously been paved or repaired by or under the Direction of the Commissioners, shall be desirous of having the same paved, or if the Commissioners shall deem it expedient or necessary that the same shall be paved, then and in either of such Cases it shall be lawful for the Commissioners and they are hereby required, as soon as conveniently may be after any such new or other Street, or the Site thereof, shall be prepared and appropriated for the public Use, to lay out the Ground for proper Carriageways and Footways, and well and sufficiently to pave the same, and from Time to Time to keep such Pavement in good and sufficient Repair; and the Owners of the Houses forming the principal Part of such new Street shall, on Demand, pay to the Commissioners One equal Third Part of the Amount of the estimated Expenses of providing and laying such Pavement (such Amount to be determined by the Surveyor for the Time being of the Commissioners); and in default of Payment thereof the same may be recovered

recovered by Action of Debt or on the Case in any of the Superior Courts; and the Charges of such paving, or so much as shall be necessary in addition to the Third Part of the estimated Expense to be paid to the Commissioners as aforesaid, and of repairing such Pavement, shall be defrayed out of the Rates to be raised by virtue of this Act.

CXXVII. And be it enacted, That in case the Sum of Money to be paid as the One Third Part of the Amount of the estimated Expenses of providing and laying the Pavement of any such new Street as herein-before is mentioned shall exceed One equal Third Part of the actual Charges of such paving, then a Sum of Money equal to the Difference between the Third Part of such estimated Expenses and the Third Part of such actual Charges shall be repaid by the Commissioners to the Owners of Houses by whom the said Sum of Money shall have been paid; and in case the Sum of Money to be paid as aforesaid shall be less than One Third Part of the actual Charges of such paving, then and in such Case the Owners of the Houses by whom such Sum shall have been paid shall, on Demand, pay to the Commissioners such further Sum of Money as, together with the Sum which shall have been paid, shall amount or be equal to One Third Part of the actual Amount of such paving respecting which such further Sum may be recovered, in like Manner as herein-before is directed for the Recovery of the said One Third Part of the said estimated Expenses.

Providing for Payment of Difference between the estimated and the actual Expense of paving new Streets, &c.

CXXVIII. And be it enacted, That any Person who shall be required by the Commissioners, under the Provisions of this Act, to pave the Footway of any present or future Street within the City, shall not be considered to have well and sufficiently paved the same unless he shall have completed the same with Curbstones and Gutters to the Satisfaction of the Commissioners.

Persons liable to pave Footways to complete the same with Curbstones.

CXXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place any Fences, Rails, and Posts on the Sides of any Footways or Carriageways within the City, for the Purposes of Safety, and to prevent any Carriage or Animal from going on the same, and also to place any Posts or other Erections in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair and renew any such Fences, Rails, or Posts, or to remove the same or any other Obstruction or Encroachment on any Carriageway or Footway.

Commissioners may place Fences, &c. to Footways.

CXXX. And be it enacted, That if any Carter or other Person having the Charge of any Cart shall at any Time break, damage, or injure the Pavement of any of the Footways of the Streets, by driving such Cart on the same, or by discharging the Contents of such Cart thereon, he shall pay a Sum not exceeding Forty Shillings for every such Offence; and such Penalty shall be imposed without Prejudice to any other Provision in this Act contained.

Penalty on Carters injuring Footways by driving or unloading Carts thereon.

CXXXI. And

Owners
liable for
Damage
done by
Servants.

CXXXI. And be it enacted, That the Owner of any Cart shall be answerable for any such Damage done by any of his Servants or other Persons employed by him to the Pavement of the said Footways as last herein-before mentioned; and every such Servant or other Person may lawfully be convicted of such Offence before any Justice, either by the Confession of the Party offending or upon the Oath of some credible Witness; and upon such Conviction every such Owner shall pay to the Commissioners the Costs and Expenses (to be ascertained by such Justice) which they may have incurred in repairing and restoring the Pavement so broken, damaged, or injured.

Owner may
recover Ex-
penses from
Servants.

CXXXII. And be it enacted, That it shall be lawful for any such Owner who shall repay to the Commissioners any such Costs and Expenses as aforesaid to recover the Amount so paid by him from the Servant or other Person who shall have caused such Damage, by the same Means as Penalties and Forfeitures are by this Act directed to be recovered.

Pavement
not to be
taken up
without Con-
sent of Com-
missioners.

CXXXIII. And be it enacted, That no Company or Person shall take up the Pavement or otherwise disturb the Surface of any Street, for the Purpose of laying down, altering, or removing any Pipe, or for any other Purpose whatsoever, without the previous Consent in Writing of the Commissioners, under the Hand of the Clerk, every such Consent to state the Name of the Street in which the Pavement is permitted to be taken up, and the Number of Square Feet of Pavement which may be removed or disturbed; and if any Company or Person shall take up or disturb the Pavement or Surface of any Street without previous Consent as aforesaid, or shall take up or disturb a greater Number of Square Feet of Pavement or Surface than shall be permitted by such Consent, every Company or Person so offending shall forfeit and pay the Sum of Forty Shillings for every Square Foot of Pavement which shall be so taken up or disturbed.

Notice to be
given by
Companies,
&c. previous-
ly to laying
down or al-
tering Line
of Pipes.

CXXXIV. And be it enacted, That if any Company or Person shall be desirous of laying down in any Street any new Line of Main Pipes for Water, Gas, or other Purposes; or of altering the Pipes or the Line of any existing Main in any Street, they or he shall give at least Three Months Notice in Writing to the Commissioners of such Desire, and shall state in such Notice the Name of the Street and the particular Part thereof in which such Line of Main Pipe is intended to be laid down, and the Material and Diameter of such Pipes, and the Day on which the Work is proposed to be commenced, and the Time within which it will be completed.

Streets not
to be broken
up, except
under Super-
intendence
of Commis-
sioners.

CXXXV. And be it enacted, That whenever it shall be necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened, under the Superintendence of the Commissioners, at such Time and in such Manner as they shall direct.

Streets
broken up to
be reinstated

CXXXVI. And be it enacted, That when the permanent Surface or Soil of any Street shall be broken up or opened by any Company
or

or Person, they or he shall with all convenient Speed complete the Work on account of which the same shall be broken up or opened, and fill in the Ground and make good the Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil shall be so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the Part of the Pavement, Surface, or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Surface or Soil shall be continued open or broken up.

without
Delay.

CXXXVII. Provided always, and be it enacted, That whenever the permanent Surface or Soil of any Street shall be broken up or opened, it shall be lawful for the Commissioners, in case they shall think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil shall have been broken up or opened; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid, on Demand, to the Commissioners, by such Company or Person, and in default thereof shall be recovered by the Commissioners from such Company or Person in the Manner herein-after mentioned.

Power to
Commis-
sioners to
execute
Works, and
charge the
Expenses to
the Parties.

CXXXVIII. And be it enacted, That if any Company or Person authorized to take up any of the Pavements of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, shall not with due Diligence cause the Ground to be filled in and the Pavement to be reinstated, and the Surface to be made good in a proper and substantial Manner, and shall not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground shall be open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners to fill in such Ground, and to remove such Rubbish, and to repair and make good the Pavement of any such Street so broken up, and properly to fence or guard any such Excavation, and to place and maintain Lights during the Night to prevent Accidents, as to them shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company or Person to the Treasurer of the Commissioners, and in default of Payment thereof the Amount thereof shall be recovered from any such Company or Person as any Penalty is recoverable under this Act: Provided always, that such Pavement shall not be considered to have been reinstated in a proper and substantial Manner by such Company or any other Person having Authority to take up the same unless the same shall have been reinstated with the same or similar Materials of the like Quality and Thickness, and cemented and bound together in the same or in an equally substantial Manner as those of which it was composed, in such Manner as shall be satisfactory to the Commissioners.

Penalty on
Persons
taking up
Pavements
neglecting to
reinstated
them, and to
place Lights
during the
Night-time,
to prevent
Accidents.

Commissioners to direct Pavements injured by Water or Gas Pipes to be repaired by them.

Penalty for Refusal.

CXXXIX. And for the more speedily and effectually repairing and relaying the Pavements of any Street which shall at any Time hereafter happen to be sunk, broken, injured, or damaged by reason or means of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water or Gas or other Company, and laid beneath the Surface of such Pavement, or of relaying or repairing any such Pavement which shall be broken or taken up for the Purpose of repairing or amending any such Pipe, be it enacted, That it shall be lawful for the Commissioners, if they shall deem it proper and expedient so to do, to cause Notice to be given to the Water or Gas or other Company to whom such Pipe shall be supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if any Water or Gas or other Company to whom such Notice shall be given shall not within Twenty-four Hours next after such Notice so given them as aforesaid take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Commissioners, then such Water or Gas or other Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Company opening the Ground to repair a Pipe which shall be discovered to belong to another Company, to give Notice to such Company, and to be reimbursed Expenses.

CXL. And be it enacted, That in case it shall happen, or it shall be discovered, after any Pavement in any Street shall have been taken up by any Water or Gas or other Company, and the Ground shall have been opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended shall not belong to the Water or Gas or other Company to whom such Notice shall be given as aforesaid, but to some other Water or Gas or other Company, then such first-mentioned Water or Gas or other Company to whom such Notice shall have been so given as aforesaid shall, within Twenty-four Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Water or Gas or other Company to whom such Pipe shall be discovered to belong, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice shall have been given as aforesaid; and such other Company to whom such last-mentioned Notice shall have been given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company, the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement shall have been first taken up, and who shall have opened the Ground, shall neglect to give the Notice hereby required to the Company to whom such Pipe shall actually belong, such Company so neglecting or offending shall for every

every such Neglect and Offence forfeit and pay any Sum not exceeding Twenty Pounds.

CXLI. And be it enacted, That if any Company or Person shall displace, take up, or make any Alteration in the Pavement of any Foot or Carriage Way in any Street within the City, without the Consent in Writing of the Commissioners, or shall cause any Obstruction in any Street, every such Company or Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so displacing, taking up, or making or altering any such Pavement without such Consent as aforesaid, or causing any such Obstruction as aforesaid, shall not, within Twenty-four Hours after Notice in Writing by the Surveyor of the Commissioners, cause the said Pavement which shall have been so displaced, taken up, or altered to be reinstated and put into its former State, or such Obstruction to be removed, then and in any such Case the Commissioners may cause the same to be done, and the Costs and Charges thereof shall be paid by the Company or Persons who shall have displaced, taken up, or altered such Pavement, or have made or occasioned such Obstruction.

Penalty on Persons altering Pavements without the Consent of the Commissioners.

CXLII. And be it enacted, That if any Question shall arise between any Company or Person and the Commissioners relative to the proper Reinstatement or sufficient or insufficient Repair of any Pavement, under the Provisions of this Act, it shall be lawful for any Justice, upon Complaint before him, to summon the Clerk or Engineer or other Officer of the Company or Person, and of the Commissioners respectively, and to hear and determine the Matter in a summary Way, and to award and adjudge such Sum of Money by way of Damage against such Company or Person, together with such Costs and Charges as to such Justice shall seem proper, and the Amount of such Damages so awarded and adjudged shall be recovered from such Company or Person by Distress and Sale of the Goods and Chattels of the said Company or Person, in the same Manner as any Penalty is recoverable under this Act: Provided always, that it shall not be competent for any Justice to hear and determine any such Question as aforesaid unless Twenty-four Hours Notice shall have been given by the complaining Party to the other Party of the intended Application to such Justice, with the Grounds of such Complaint.

Justices to settle Disputes as to Reinstatement of Pavement.

CXLIII. And be it enacted, That it shall be lawful for the Commissioners to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within the City, for the filling in, paving, and restoring of such Parts of the said Streets as shall be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

Power for Commissioners to contract with Company for restoring Pavements.

CXLIV. And be it enacted, That if any Person shall by Negligence injure, destroy, or otherwise damage any of the Pavement or the Footway or Carriageway of any Street, or any of the Sewers, or any of the Articles or Things hereby vested in the Commissioners,

Penalty for damaging Pavements or Materials.

or

or which may at any Time hereafter become the Property of or belong to the Commissioners, or any of the Works done by the Commissioners in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum equal to the Amount of the Damage done: Provided always, that if such Offence shall be committed wilfully or maliciously, then every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds.

Power to Commissioners to cause Names of Streets, &c. to be painted, &c.

CXLV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, or Entrance of every Street, the Name by which such Street is to be known, and from Time to Time to alter the Name of any Street, with Consent of the major Part of the Owners of the Houses or Buildings therein, and to call it by any other Name which they the Commissioners may see fit, and also to cause every House or Building in each of the Streets to be marked or numbered, in such Manner as they shall judge most proper for distinguishing the same, which Mark or Number shall alone be allowed to be affixed to such House or Building; and if any Person shall wilfully or maliciously destroy, pull down, obliterate, or deface any such Name or Number, or any Part thereof, or shall affix or paint or set up any Name or Number different from the Name or Number directed by the Commissioners, he shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings; and it shall be lawful for the Commissioners to obliterate and destroy such Name or Number so painted or affixed contrary to their Order.

Numbers of Houses to be renewed by Occupiers.

CXLVI. And be it enacted, That the Occupiers of Houses or Buildings shall be bound to renew the Numbers of their Houses or Buildings as often as they shall be obliterated or defaced.

Regulations for watering the Streets;

CXLVII. And be it enacted, That the Commissioners shall have full Power and Authority to cause the Streets to be watered as often as they shall think fit, and also to cause any Wells to be dug and sunk in such Places as they shall think proper, and also to erect and fix any Pumps in any public Places, for the more effectual Supply of Water to the Inhabitants of the City.

for making Dust-holes, &c.;

CXLVIII. And for the more effectually cleansing and keeping clean the Streets within the City, be it enacted, That it shall be lawful for the Commissioners to contract with such Persons as they may think fit for that Purpose, and upon such Terms and Conditions as they may deem meet, and to affix and set such Penalties as they may think right for any Neglect in the Contractor, and to fix and set up such moveable or fixed Dustbins or Conveniences wherein Dust and Ashes may be deposited in such of the said Streets as they shall judge necessary; and every Inhabitant and Occupier of any House shall allow to be taken away by the said Contractor all such Dust, Ashes, Cinders, and other Refuse from their respective Houses once at least in every Week.

CXLIX. And

CXLIX. And be it enacted, That every Occupier of any House within the City, and in respect of Houses let to Inmates every House Owner, shall, once in every Day before the Hour of Ten of the Clock in the Forenoon, scrape, sweep, and cleanse the Footway all along the Front of his House, or cause the same to be scraped, swept, and cleansed, and in default thereof shall for every such Offence forfeit and pay the Sum of Five Shillings.

for cleansing Footways.

CL. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the City to be scraped, swept, or cleansed in such Manner and at such Times as they shall think fit.

Commissioners may cause Footways to be swept.

CLI. And be it enacted, That any Person appointed an Inspector of Pavements, or to be appointed from Time to Time by the Commissioners to act as an Inspector of Pavements within the City, shall reside within the District to which he is appointed, and shall and he is hereby required, within Fourteen Days after the Commencement of this Act, or within Seven Days next after his Appointment, (as the Case may be,) to cause to be painted in Oil Colours in a conspicuous Manner on the Door of his Dwelling House or Office his Christian and Surname, and the Title of his Office, and the Name of the District or Place to which he shall be appointed, and such Inscriptions shall be painted in Roman Letters at least One Inch in Height and of a corresponding Width; and such Inscriptions shall be renewed or repaired and repainted as often as Occasion shall require; and if any Person appointed or to be appointed Inspector as aforesaid shall refuse or neglect to cause such Inscription to be painted, or to be renewed when necessary, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Names of Inspectors to be painted on their Doors.

CLII. And be it enacted, That every Inspector or other Officer appointed under the Authority of this Act who shall neglect any of the Duties of his Office, or shall wilfully misbehave himself in the Execution thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Inspectors and Officers for Neglect, or misbehaving themselves.

CLIII. And be it enacted, That if any Building which shall in any Part thereof project beyond the regular Line of the Street in which the same may be situate, or beyond the Front of the Building, Wall, or Railing on either Side thereof, shall at any Time be taken down to be rebuilt or altered, it shall be lawful for the Commissioners to require the same to be set backwards to such a Line and in such a Manner as the Commissioners shall direct for the Improvement of such Street, the Commissioners making full Compensation to the Owner of such Building for any Damage which he may sustain thereby.

Houses projecting beyond Line of Street, when taken down, to be set back.

CLIV. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar Door or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction that hereafter may be placed or made against or in front of any

Owners, &c. to remove future Projections on Notice from Commissioners.

House or Building, to be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of any such House or Building to remove such Projection or Obstruction, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall within Fourteen Days after the Service of such Notice upon him remove such Projection or Obstruction, or alter the same in such Manner as shall have been directed by the Commissioners.

Penalty on Owners for refusing to remove Projections, &c.

Commissioners may remove the same, and charge the Expense to the Owners.

CLV. And be it enacted, That if the Owner or Occupier of any such House or Building shall neglect or refuse, within Fourteen Days after Service of such Notice upon him, to remove such Projection or Obstruction, or to alter the same in such Manner as shall have been directed by the Commissioners, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for the Commissioners to cause the same to be removed or altered; and all the Charges for such Removal or Alteration shall be repaid to the Commissioners by such Owner or Occupier, and in default of Payment the same may be levied and recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

Commissioners may remove existing Projections, and make Compensation for the same.

CLVI. And with regard to all Projections or Obstructions of a like Kind as those before mentioned, which have been erected, placed, or made against or in front of any House or Building in any Street before the Commencement of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Projection or Obstruction to be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Projection or Obstruction shall be, Seven Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation (to be ascertained, in case of Dispute, by any Justice, in manner by this Act directed,) to every Person who shall incur any Loss or Damage by such Removal.

Ruinous or dangerous Houses to be taken down, or secured by Owners, &c.

CLVII. And be it enacted, That if any House, Building, or Wall, or anything affixed therein or thereto, shall be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers, or to the Occupiers of any neighbouring House or Building, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such House, Building, or Wall, if he be known, and resident within the City, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof (if any), requiring such Owner or Occupier forthwith to take down, secure, or repair such House, Building, Wall, or other Thing, as the
Case

Case shall require; and if such Owner or Occupier shall not begin to repair, take down, or secure such House, Building, Wall, or other Thing within the Space of Three Days after any such Notice has been given or put up as aforesaid, and complete such Repairs, or take down or secure such House, Building, Wall, or other Thing, as speedily as the Nature of the Case will admit, the said Surveyor may make Complaint thereof before Two Justices; and it shall be lawful for such Justices to order the Owner, or in his Default the Occupier (if any), of such House, Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same or such Part thereof as shall appear to them to be in a dangerous State, within a Time to be fixed by such Justices; and in case the same shall not be taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found to serve such Order upon, the Commissioners shall with all convenient Speed cause all or so much of such House, Building, Wall, or other Thing as shall be in a ruinous Condition, and dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of putting up every such Fence, and of taking down, repairing, rebuilding, or securing such House, Building, Wall, or other Thing, shall be paid by the Owner thereof.

If Owner, &c. neglect, Commissioners may cause the same to be done, charging Owner, &c. with the Expenses.

CLVIII. And be it enacted, That if such Owner can be found within the City, and if, on Demand of the Expenses aforesaid, he neglect or refuse to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly.

The Expenses to be levied by Distress on the Owner.

CLIX. And be it enacted, That if such Owner cannot be found within the City, or sufficient Distress of his Goods and Chattels within the City cannot be made, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so by posting a printed or written Notice in a conspicuous Place on such House or Building or Wall, or on the Land whereon such House, Building, or Wall stood, may take such House, Building, or Land, provided that such Expenses be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such House, Building, or Land in the Manner provided by the Lands Clauses Consolidation Act, 1845, in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof; and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said House, Building, or Land for the Purposes of this Act.

If Owner cannot be found, Commissioners may take the House or Ground, making Compensation pursuant to 7 & 8 Vict. c. 18.

CLX. And be it enacted, That if any such House, Building, or Wall, or anything affixed thereon or thereto, as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House, Building, Wall, or other Thing: Provided always, that the Commissioners shall restore any Overplus arising from such Sale to the

Commissioners may sell the Materials, restoring to the Owner the Overplus arising from the Sale.

the Owner of such House, Building, Wall, or other Thing, on Demand; provided further, that the Commissioners, although they may sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Hoads to
be erected
during
Repairs.

CLXI. And be it enacted, That every Person who shall build or begin to build, or to take down or begin to take down, any House or Wall, or alter or repair, or begin to alter or repair, the outward Part of any House or Wall, shall cause to be put up a proper and sufficient Hoard or Fence or Scaffold, in all Cases in which the Footway shall be thereby obstructed or rendered inconvenient, with a convenient Platform and Handrail, if there shall be Room enough for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence or Scaffold, in such Cases as aforesaid, with such Platform and Handrail, standing and in good Condition, to the Satisfaction of the Commissioners, during such Time as may be necessary for the public Safety or Convenience, and shall, in all Cases in which the same shall be necessary, to prevent Accidents, cause such Hoard or Fence to be well lighted during the Night; and every such Person who shall fail to put up such Hoard or Fence or Scaffold, or such Platform, with such Handrail as aforesaid, or who shall not, whilst the said Hoard or Fence is standing, keep the same well lighted during the Night, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Default.

Penalty on
not erecting
Hoads, &c.

No Hoard to
be erected
without Li-
cence from
Commis-
sioners.

CLXII. And be it enacted, That it shall not be lawful for any Person to erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence in Writing first had and obtained from the Commissioners under the Hand of their Clerk or Surveyor; and every such Licence shall state the Name of the Street in which and the Purpose for which such Hoard or Fence or Inclosure is to be made, and the Size thereof, and the Time for which it is to be permitted to continue.

Fee on Li-
cence.

CLXIII. And be it enacted, That for every such Licence there shall be paid to the Commissioners a Fee, according to a Scale to be prepared by the Commissioners, regulated with reference to the Space of Ground to be inclosed by such Hoard or Fence or covered by such Scaffold, and the Length of Time for which such Hoard or Fence or Scaffold is to continue: Provided always, that the Sum to be paid for such Licence shall not in any Case exceed the Sum of Ten Pounds.

If Hoard be
erected or
Materials be
deposited in

CLXIV. And be it enacted, That if any Person shall erect or set up in any Street any Hoard or Fence or Scaffolding for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of

of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence from the Commissioners, or shall do any such Acts as aforesaid in any other Manner than as permitted by such Licence, or shall continue the same beyond the Time stated in such Licence, or shall fail to keep any Hoard, Fence, Platform, or Handrail in good Repair, he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Offence; and it shall be lawful for the Commissioners to cause such Hoard, Fence, or Scaffolding, or other Inclosure or Erection, to be pulled down, and the Materials thereof, and also all the Bricks, Mortar, Lime, or other Building Materials or other Matters or Things contained within the same or thereto belonging, to be removed to the common Pound of the City commonly called the Greenyard, there to be deposited and kept until the Owner thereof, or his known Servant, shall pay to the Person in whose Custody the same shall be the Charges of pulling down and removing the same; and in case the same shall not be claimed and the said Charges paid within the Space of Eight Days next after such Seizure thereof, it shall be lawful for the Commissioners to order the same to be sold, and by and out of the Proceeds of such Sale to pay the Costs and Charges thereby incurred, rendering any Surplus to the Owner or other Person by Law entitled thereto; and it shall be lawful for the Commissioners to remove to such Place as they shall think fit any Rubbish or other Matters which shall not be of sufficient Value to take to the Greenyard; and in case the Proceeds of such Sale shall be insufficient to cover the Costs, Charges, and Expenses incurred or occasioned by the pulling down of such Hoard or Fence or Scaffolding, or other Inclosure or Erection, and of removing the Materials thereof, and of other Materials, Matters, and Things, and of selling and disposing of such Materials, Matters, and Things, and of removing and carting away such Rubbish and Things as shall not be of sufficient Value to take to the Greenyard, the Deficiency shall be repaid by the Owner of such Materials, Matters, and Things, to the Commissioners, on Demand, and in default of Payment the same may be levied or recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and recovered.

any Manner otherwise than to the Satisfaction of the Commissioners, the same may be removed.

CLXV. And be it enacted, That every Person who by virtue of his Office shall at the Time of the Commencement of this Act be entitled to receive, by Prescription, or under the Authority of any Act of Parliament or otherwise, any Fee, Gratuity, or other Sum of Money for or in respect of the granting of any Permission or Licence for the Erection or putting up of any Hoard, Fence, or Scaffold, or for the continuing the same, or for or in respect of placing any Obstruction in any Street, shall be entitled to have from the Mayor, Aldermen, and Commons an adequate Compensation for the Loss of such Fees, Gratuities, or other Sums of Money, Regard being had to the Extent or Duration of his Term or Interest therein, and all other Circumstances of the Case; and every such Person shall deliver to the Mayor, Aldermen, and Commons a Statement under his Hand, setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the Com-

Persons hitherto entitled to receive by Prescription, &c. Fees for Hoards, &c. to receive Compensation.

[Local.]

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mencement

mencement of this Act, on account of the Fees, Gratuities, or other Sums of Money in respect whereof he shall claim such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement, according to the best of his Knowledge, Information, and Belief, and also setting forth the Sum claimed by him as such Compensation; and if such Person shall be dissatisfied with the Amount of Compensation offered by the Mayor, Aldermen, and Commons, he may appeal to the next General Quarter Sessions, who may make such Order as they shall think fit, and such Order shall be binding upon all Parties.

Compensation to be made to Persons sustaining Damage.

CLXVI. And be it enacted, That full Compensation shall be made out of the Rates to be levied under this Act, as the Commissioners shall by their Order direct, to all Persons sustaining any Damage by the Loss or Diminution in Value of their Offices under the Powers of this Act; and in case of Dispute as to the Amount the same shall be settled by Arbitration in the Manner provided by "The Lands Clauses Consolidation Act, 1845."

Penalty for entering Sewers or wilfully injuring Apparatus, &c.

CLXVII. And be it enacted, That every Person shall be liable to a Penalty of Forty Shillings, who, not being an Officer in the Employ of or authorized by the Commissioners, shall enter any Sewer, or wilfully injure or damage or disarrange any Gully, Trap, or other Apparatus.

Power to Commissioners to make Rates for Purposes of this Act.

CLXVIII. And in order to raise the Money for the carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year, or oftener if they shall think it necessary, to direct, by Writing under the Hand of their Clerk, the Alderman or his Deputy and the major Part of the Common Councilmen of every Ward within the said City, within Fourteen Days after the Order of the Commissioners, to make One or more Rate or Rates, not exceeding in the whole the Sum of Fourpence in the Pound in any One Year, upon the Owners and Holders or Occupiers of Property within the City, in equal Proportions, to be called "The Sewer Rate," for the Purpose of constructing, altering, repairing, and cleansing the Sewers within the City, and for otherwise maintaining effectually the wholesome Sewerage and Drainage of the City, and also for the Purpose of securing, raising, and paying any Monies, and the Interest thereof, which may be borrowed on the Security of the said Sewer Rate, in pursuance of the Provisions of this Act; and in like Manner, once in every Year, or oftener if they shall think it necessary, to direct One or more Rate or Rates, not exceeding in the whole the Sum of One Shilling and Sixpence in the Pound in any One Year, to be made upon the Owners and Holders or Occupiers of Property within the City, to be called "The Consolidated Rate," for the Purpose of forming, making, maintaining, keeping in repair, paving, lighting, sweeping, cleansing, and watering the Streets within the City, and of making and carrying into effect such Improvements within the City as the Commissioners are or shall or may from Time to Time or at any Time be authorized to make and carry

"Sewer Rate."

"Consolidated Rate."

carry into effect, and of constructing, altering, repairing, and cleansing the Sewers within the City, and for otherwise maintaining effectually the wholesome Sewerage and Drainage of the City, and also of defraying the Salaries, Gratuities, Wages, and Allowances of all Officers acting in the Execution of this Act, unless otherwise provided for, and all other incidental Costs, Payments, Charges, and Expenses attending the Execution of the Powers, Duties, and Authorities hereby imposed upon and given to the Commissioners, and which are not herein otherwise specially provided for, and for securing, raising, and paying any Monies, and the Interest thereof, which may be borrowed on the Security of the said Consolidated Rate, in pursuance of the Provisions of this Act; and in case a Rate shall not be made by the Alderman or his Deputy, and the major Part of the Common Councilmen of any Ward, within Fourteen Days after the Order of the Commissioners; or in case it shall be considered by the Commissioners that a fair and just Assessment has not been made in any Ward, or in any Precinct or Place, parochial or extra-parochial, (if any,) it shall be lawful for the Commissioners to direct an Assessor to make a fair and just Assessment on the net annual Value, the Expense whereof shall be added to the said Rate, and shall be paid by the Ward, Precinct, or Place in which such Rate shall not have been made, or in which the Commissioners shall consider that a fair and just Assessment shall not have been made.

CLXIX. And be it enacted, That every such Rate as aforesaid shall be made by the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward upon every Person who shall inhabit, hold, occupy, possess, or enjoy any House or Building within the City, or partly within and partly without the City, (whether such Person shall be now liable in respect of such House or Building to be assessed to the Relief of the Poor, or be not liable to be assessed to the Relief of the Poor in respect thereof by reason of such House or Building being situated in any Precinct or extra-parochial Place, or otherwise,) according to the full net annual Value thereof respectively, (except in the several Cases hereinafter mentioned,) the same to be ascertained in manner herein-after mentioned; and the said Rates shall from Time to Time be collected and paid yearly, half-yearly, or quarterly, or oftener, if the Commissioners shall think proper, and shall commence from such Time after this Act shall come into operation as the Commissioners shall think fit.

Rates to be levied on Persons inhabiting, holding, occupying, or enjoying any House, &c.

CLXX. And be it enacted, That where any House, with the Appurtenances held therewith, shall be situated partly in one and partly in another of the said Wards, the same shall, for the Purpose of making Rates by virtue of this Act, but for no other Purpose, be deemed to be wholly within the Ward in which the larger Part of the Space of Ground covered by or contained in the same shall be situated, and no Rate shall be paid in respect of the smaller Part thereof in the Ward wherein the same shall be situated; and where, from the equal Size of the Parts in each Ward of any such Space of Ground, or from uncertain Boundaries of the Wards, or from any other Cause, it shall be doubtful in which Ward the larger Part of such Space of Ground shall be situated, such House and Appurtenances

Buildings, &c. partly in each of Two Wards to be assessed wholly in the Ward in which the larger Part is situated.

tenances shall be deemed to be wholly situated in such One of the Wards within which any Part thereof shall be situated as the Person assessed or rated in respect of the same shall elect.

Value of Property to be ascertained according to Poor Rate.

CLXXI. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor within the several Parishes within the City, except in such Cases as are herein-after mentioned.

Commissioners to have the Power of inspecting Tax Assessments, &c.

CLXXII. And be it enacted, That for better enabling the Commissioners, or the Aldermen or their Deputies, and the major Part of the Common Councilmen of the several Wards, to make, levy, and assess the several Rates herein-before mentioned, every Assessor or Collector of Taxes or Rates, or other Officer having the Custody of any Tax, Rate, Assessment, or Duplicate thereof, shall and he is hereby required, upon the Request of the Commissioners, or the Alderman or his Deputy and the major Part of the Common Councilmen of any Ward, at any reasonable Time, to produce to such Person as the Commissioners, or such Alderman or his Deputy and the major Part of the Common Councilmen, shall appoint, any Book in which any such Tax, Rate, Assessment, or Duplicate thereof shall be entered, and to permit such Person to examine, copy out, or take such Extracts from the same as may appear to him to be necessary or expedient.

If Poor Rate an unfair Criterion, a Valuation to be made,

CLXXIII. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates under this Act should be made, or in case any Person liable to be rated under this Act shall not be liable to be assessed to the Relief of the Poor in respect of any House or Building by reason of such House or Building being situated in any Precinct or extra-parochial Place, or otherwise, it shall be lawful for the Commissioners to cause a Valuation to be made of all or any Part of the rateable Property within the City, or, as the Case may be, of the Property in such Precinct or extra-parochial Place, by some competent Person, to be appointed by them for that Purpose, and the Rates to be made by the Aldermen or their Deputies and the major Part of the Common Councilmen of the Wards in the said City, for the Purposes of this Act, upon the Property so valued, shall be made upon such Valuation.

Valuer to make a Declaration.

CLXXIV. And be it enacted, That before any such Valuation shall be made the Person appointed to make any such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and the Date of making the same; and any Justice to whom Application may be made for that Purpose shall administer such Declaration.

CLXXV. And

CLXXV. And be it enacted, That in every such Valuation the Value of Property rateable under this Act shall be computed at its net annual Value as defined by an Act made in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to regulate Parochial Assessments*, or any other Act for the Time being in force for regulating Parochial Assessments. Value of Property to be computed as defined by 6 & 7 W. 4. c. 96.

CLXXVI. And be it enacted, That the Owners and Occupiers of such public Markets within the City as for the Time being shall not be let on Farm or Lease shall be subject to the Payment of the same or the like Sums of Money as the Farmers or Lessees of such Markets respectively would have been liable to by virtue of this Act if the same respectively had been let on Lease or Farm; and such Sums of Money shall be recovered from the said Owners or Occupiers, and may be compounded for by them, in like Manner as the same might have been recovered and might have been compounded for by such Farmers or Lessees. Owners and Occupiers of Markets to be subject to the same Payments as Farmers or Lessees.

CLXXVII. And be it enacted, That if it shall happen that any House within the City shall at the Time of making any Rate be empty, untenanted, or unoccupied, then and in every such Case it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward to rate the said House; and in such Case, as well as in case the said House shall after the making such Rate become empty, untenanted, or unoccupied, not exceeding One Half of every such Rate shall be charged on such House, and be paid by the Owner or by the first Tenant or Occupier thereof, who shall and may and is hereby authorized to deduct and retain the same out of his Rent; and the Owner of such House is hereby required to pay the same, or to allow such Deduction and Payment, upon the Receipt of the Residue of his Rent; and the said Tenant or Occupier shall be and is hereby acquitted and discharged of and for so much of his Rent as the Rate so paid by him shall amount unto. Provision as to the rating of empty Houses.

CLXXVIII. And be it enacted, That where any House in respect whereof any Rate shall be made under the Authority of this Act shall be let out in Apartments by the Owner thereof, any Lodger shall be deemed the Occupier thereof for the Purposes of this Act; and that every such Lodger who shall pay any such Rate or any Part thereof, or from whom the same or any Part thereof shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable or to be due and payable from him to such Owner; and the Receipt for such Payment shall be a sufficient Discharge for such Lodger to his Landlord for so much Money as he shall pay, or as shall be levied on him by virtue of this Act: Provided always, that no such Lodger shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of any Rate made under the Authority of this Act, and Arrears thereof, than the Amount of the Rent actually due or payable by such Lodger to the Owner of the Premises so occupied by him; provided also, that in all Cases where any Person In Houses let out in Apartments, Lodgers to be deemed the Occupiers.

[Local.] 25 I shall

shall remove from or quit any House which shall be rated by virtue of this Act such Person shall be liable to such Rate in proportion to the Time that he occupied the same; and in all Cases where any Person shall come into or occupy any House rated as aforesaid out of or from which any other Person who shall have been rated for the same shall be removed, or which at the Time of making any such Rate was empty or unoccupied, the Person coming into or occupying the same shall be liable to pay such Rate in respect thereof in proportion to the Time that he occupied the same; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward, or by the Commissioners.

Provision as
to the rating
of Houses let
at small
Rents, and
for the better
Recovery of
the Rates.

CLXXIX. And be it enacted, That when the yearly Rent or Value of any House shall not exceed Twenty-five Pounds, or when any House shall be let to any weekly or monthly Tenants, or in several Apartments, whether furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than quarterly, then and in every such Case (but subject to the Proviso herein-after contained) it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward to compound, if they think proper, with the Owners of any such House, for the Payment of the Rates to be made by virtue of this Act, at such a reduced yearly Rental as the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward shall think reasonable, so that no such House be rated at less than Two Thirds or more than Four Fifths of the Rack Rent at which the same shall then be let, or of the annual Value of the said Premises; and the Owner of every such House as shall not exceed the yearly Rent of Twenty-five Pounds, or as shall be let to any weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, as aforesaid, and the several Rents whereof shall become due and be collected at any shorter Period than quarterly, is hereby required to enter into such Composition with the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward; and in case such Owner shall refuse to enter into such Composition he shall thenceforth be rated to and from Time to Time shall pay or cause to be paid the Rates charged upon such House by virtue of this Act unto the Collector or other Person who may be appointed by the Commissioners to receive and collect the same, who, upon Non-payment thereof or of the Amount of such Composition is hereby authorized and empowered to levy the same by Distress and Sale of the Goods and Chattels of the Owner of the House aforesaid, wheresoever they may be found, or of the Person inhabiting the same, in such Manner as by this Act is provided for the Recovery of the Rates in other Cases: Provided always, that no such Owner shall be charged with or liable to pay for any increased Rent reserved or made payable to him for or on account of such Owner having agreed to pay the Rate heretofore chargeable upon the Occupier of such House; and provided also, that the Goods and Chattels of every Person renting or occupying any such House or any Part thereof the Rate whereof the Owner is hereby made liable

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and

and subject to as aforesaid shall be liable at all Times to be distrained and sold for Payment of such of the said Rates, and of all Arrears thereof, as became due upon the said House during the Time of his Occupancy only; but no such Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of any of the said Rates, or any Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier to the Owner of the House so occupied by him; provided also, that every Occupier who shall pay any such Rate, or any Arrears thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent due and payable from him to the Owner of such House, unless there shall be some Agreement to the contrary between the Landlord and Tenant, and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay in the Manner directed by this Act; provided also, that when the yearly Rent or Value of any House which shall be let out furnished, either altogether or in separate Apartments, shall exceed Twenty-five Pounds, it shall not be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen, upon such Composition being made as aforesaid, to take less than the full Amount of the Rate which shall be assessed in respect of such House, but nevertheless such Composition shall be made in manner aforesaid for Payment of the whole of such Rate with and by the Owner of the said House.

CLXXX. And be it enacted, That from and after any Composition at a reduced Rate shall have been made as herein-before is mentioned, the House therein comprised shall be rated according to the same reduced Rental until the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward shall think proper otherwise to rate the said House, and without any Notice to be given to the Owner of the same.

Composition
for Rates to
extend to
future Rates.

CLXXXI. And in order to prevent Disputes touching the Designation of Owner of any House within the City, be it enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any House from the Tenant or actual Occupier thereof, shall be deemed and taken, for the several Purposes of this Act and every of them, to be the Owner thereof; and in all Cases in which Owners are made liable by this Act, such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any such House, from the Tenant or actual Occupier thereof, shall be liable as Owner thereof, unless the real Owner shall be declared by himself, or shall be distinctly and certainly known to be such to the Satisfaction of the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward; and such Receiver or Collector of such Rents is hereby authorized to pay the said Rates charged and payable for and on account of such House, and to deduct the same out of the Rents received or to be received by him.

Persons re-
ceiving Rents
to be deemed
Owners.

CLXXXII. And

When
Owner not
known it
shall be
sufficient to
rate as "the
Owner."

CLXXXII. And be it enacted, That whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward, or to the Person making any Rate, it shall be sufficient to rate such Owner in the Rate Book as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Ready fur-
nished
Houses how
to be as-
sessed.

CLXXXIII. And be it enacted, That the Owner of every House over and above the said yearly Rent of Twenty-five Pounds which is or shall or may be let out ready furnished to a Lodger, or, furnished or unfurnished, in separate Apartments, for Counting-houses, Offices, or other Purposes, shall be deemed and taken to be the Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates authorized by this Act to be made, raised, and levied, according to the yearly Value of the House; and that every Person renting or occupying any such ready furnished House as aforesaid, or any Apartment of any House, shall be liable and compellable to pay the said Rates, to be recovered in manner herein directed; and the Collector for the Time being thereof is hereby authorized and empowered, upon Nonpayment thereof, to levy the same by Distress and Sale of the Goods and Chattels of the Owner of the said House, wheresoever they may be found, or of the Person occupying or renting the same, in such Manner as by this Act is provided for the Recovery of the Rates in other Places; and that every such Occupier who shall pay any Rate, or from whom the same shall be recovered, in pursuance of this Act, shall and may deduct the same, together with the Costs of recovering and levying thereof which such Occupier shall have paid, from and out of the next Rent due and payable from him to such Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay or shall be levied on him by virtue of this Act; but no such Lodger shall at any Time be required to pay, or be subject or liable to pay, any greater Sum, for or towards the Discharge of the said Rates and Arrears thereof, than the Amount of the Rent actually due and payable by such Lodger to the Owner of the House so let out ready furnished to him: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

Rates to be
vested in the
Commis-
sioners.

CLXXXIV. And be it enacted, That every Rate shall be vested in the Commissioners, and shall be payable at such Times as the Commissioners shall order and direct.

Copy of
Rate to be
made, and
deposited at
the Office of
Sewers, and
be open to
Inspection of
Rate-payers.

CLXXXV. And be it enacted, That the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward shall cause to be set down in Writing, and duly signed, a Copy of every Rate which they shall from Time to Time make by virtue of this Act, in which shall be expressed the Names of the Collectors or Persons who shall be appointed to collect the same, which Copy shall within Ten Days next after the making thereof be deposited in the Office of the Commissioners, where the same shall remain; and every Person liable to be rated by virtue of this Act shall and may have free Access thereto

thereto at all convenient Times, and be permitted to inspect and take Copies of or Extracts from the same, without Fee or Reward; and if any Person having the Custody of such last-mentioned Copy shall refuse or shall not permit any such Person as aforesaid to take Copies of or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty on refusing to allow Inspection.

CLXXXVI. And be it enacted, That if it shall appear to the Commissioners that the Name of any Person who ought to be included in any Rate made under the Authority of this Act had been omitted therein, or that the Name of any Person hath been inserted in such Rate as Inhabitant, Holder, or Occupier of any House for or in respect of which some other Person ought to have been rated, or that any House is not rated according to the net Value thereof, to be ascertained as herein-before is mentioned, or that any other Alteration or Amendment of any such Rate may be necessary, then and in any of such Cases it shall be lawful for the Commissioners to add to or insert in such Rate the Name of the Person so omitted, together with the Sum for which he ought to be rated, and the Amount of such Rate in respect thereof, and also to insert and substitute the Name of such Person as may be the actual Inhabitant, Holder, or Occupier of any House, instead of and for the Name of the Person incorrectly inserted in such Rate as the Inhabitant, Holder, or Occupier thereof, and also to alter the Amount of the Sum at which any House shall be rated, and otherwise from Time to Time to alter and amend the said Rates or any of them as they may from Time to Time deem just and reasonable; and that every such Addition to, Insertion, Alteration, or Amendment in any such Rate shall be valid and effectual in Law to all Intents and Purposes, and the Monies charged to any Person in consequence thereof shall and may be demanded, received, and recovered in the same Manner as if the Name of such Person, or other Alteration or Amendment, had been inserted and made in such Rate when the same was originally made by the Commissioners: Provided always, that any Person who shall feel aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally in such Rate, or if no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable.

Power to Commissioners to rectify Errors in the Rates.

Persons aggrieved may appeal.

CLXXXVII. And forasmuch as it is reasonable that all Churches, Chapels, Churchyards, Burial Grounds, Meeting Houses, Prisons, Hospitals for sick Persons, and public Buildings, and all vacant Spaces of Ground, should be rated in a due Proportion to the Rates hereby authorized to be made, be it enacted, That it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward, and they are hereby required, at such Time as the Rates herein-before directed to be made by them shall from Time to Time be made, to rate all Parish and other Churches, Chapels, Churchyards, Burial Grounds; Meeting Houses, Prisons, Hospitals for sick Persons, and public Buildings whatsoever, and all vacant Spaces of Ground, situate, lying, and being within the City, (other than and except the Cathedral Church of *Saint Paul*, and the

Provisions for rating public Buildings and vacant Spaces of Ground.

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Churchyards and Ground within the Iron Rails encompassing the said Cathedral Church,) at such Rate as the Commissioners shall order and direct for every Square Yard of such public Buildings and vacant Spaces of Ground, not exceeding the Rate of Nine-pence *per* Square Yard towards the Sewer Rate, and Three-pence *per* Square Yard towards the Consolidated Rate; and every such Rate so to be from Time to Time made upon any Parish or other Church, Chapel, Churchyard, Burial Ground, Meeting House, Prison, Hospital, or public Building as aforesaid, or upon any vacant Space of Ground, shall be paid by the Owner thereof, and in case of a Parish Church or Churchyard or Burial Ground, by the Overseers of such Parish, out of the Rates incidental to the Relief of the Poor; and in case the Owner of any such vacant Space of Ground shall not be known or cannot be found, then the said Rate to be thereon made shall be advanced by the Chamberlain out of the Cash of the said City in his Hands, and the said Ground shall be and remain a Security to the said Chamberlain and his Successors for Repayment of all Rates so to be by him advanced: Provided always, that Meeting Houses not licensed, and Meeting Houses used for any other Purpose than Divine Worship, shall be rated and assessed in the same Manner as other public Buildings.

Persons feeling aggrieved on Ground of Inequality, &c. may appeal to Commissioners.

CLXXXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may appeal to the Commissioners at their First Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment; and the Commissioners at their First Meeting, or any Adjournment thereof, are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the Commissioners shall seem reasonable.

Parties thinking themselves aggrieved by any Rate under this Act may appeal to the Quarter Sessions.

CLXXXIX. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Commissioners, he may appeal to the next General or Quarter Sessions; but no such Appeal against such Rate, or any Matter contained in or omitted from the same, or against the Determination of the Commissioners, shall be entertained at such General or Quarter Sessions unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given by the aggrieved Party to the Commissioners, but the same shall be adjourned to the next General or Quarter Sessions; nor shall any Appeal against the Determination of the Commissioners be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and shall in either Case, within Five Days after such Notice, enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such

such Costs as shall be awarded at such General or Quarter Sessions or any Adjournment thereof.

CXC. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

Power to Court to determine Appeal summarily, or adjourn it to the following Sessions.

CXCI. And be it enacted, That in any Appeal against any Rate made under the Authority of this Act the Commissioners or the General or Quarter Sessions shall and may amend such Rate, in like Manner as may be necessary for giving Relief, without quashing or altering such Rate with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for the Commissioners or the General or Quarter Sessions to order a new Rate to be made in manner herein directed.

On Appeal, Commissioners or Quarter Sessions may amend Rate, without quashing it.

CXCII. And be it enacted, That the General or Quarter Sessions shall in any Appeal against any Rate made under the Authority of this Act, or against the Determination of the Commissioners, have the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in such Court for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within the City.

Quarter Sessions may award Costs.

CXCIII. And be it enacted, That it shall be lawful for the Commissioners to order any Rate to be made for the Purposes aforesaid, prospectively to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively to raise Money to pay Charges and Expenses already incurred.

Rates may be prospective or retrospective.

CXCIV. And be it enacted, That in case any Owner or Occupier of any House in respect whereof he shall be rated or liable to pay any Rate made under the Authority of this Act shall refuse or neglect to pay the Money rated upon him, or which he may be liable to pay by virtue of this Act, it shall be lawful for any Justice and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the Commissioners or by their Collector, to summon every Person who shall have so refused or neglected as aforesaid to appear at a Time and Place to be mentioned in such Summons before any Justice, the Collector of such Rate having previously made Oath that he had duly demanded the said Rate, and that the same was then in arrear and unpaid; and it shall be lawful for any Person authorized by the Commissioners to serve every such Summons upon every Person so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person thereby intended to be summoned, or by leaving the same at his last or usual Place of Abode, or at or on the House for or in respect whereof the Rate mentioned in such Summons shall remain due and owing; and if any Person so summoned shall refuse or

Rates how to be recovered.

Defaulters to be summoned.

or neglect to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not show good and sufficient Cause to such Justice as may be then and there present that he is not chargeable with or liable to pay such Rate, then and in every such Case every such Person shall pay the Rate in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Rate shall not be paid upon such Return of Summons it shall be lawful for any Justice and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons by the Person who shall have served the same, and Proof on Oath that such Rate is actually due and owing, if the Person shall not attend, and if the Person shall attend, and shall not show sufficient Cause to the contrary, as aforesaid, then upon such Proof that such Rate is actually due, to grant a Warrant under his Hand and Seal authorizing or directing any Person to levy such Rate and all Arrears thereof, and the Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expenses of executing the same, by Distress of the Goods and Chattels of the Person so neglecting or refusing; and if within Five Days next after any Distress shall be made the said Rate, with all Arrears due thereon, together with all the Charges for the said Summons and Warrant, and the Charges and Expenses of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient to pay the said Rate, together with all Arrears due thereon, and the said Costs, Charges, and Expenses of the said Summons, Warrant, Distress, Removal, or keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expenses of appraising and selling the same, and shall return the Overplus (if any) to the Owner of such Goods and Chattels, upon Demand thereof made by him; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured or shall be removed, so that the Person appointed to collect the said Rate as aforesaid cannot distrain the same, or in case after such Distress and Appraisement of Sale as herein-before are directed the Proceeds thereof shall not be sufficient to pay the said Rate, and the Costs, Charges, and Expenses as aforesaid, then and in every such Case, upon Information thereof given to any Justice, it shall be lawful for such Justice and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Apprehension of any such Person making default in the Payment of such Rate and the Arrears thereof or of any Part thereof, and of such Costs, Charges, and Expenses, or any of them, and to commit such Person to the House of Correction for the City, there to remain, without Bail or Mainprize, for any Time not exceeding the Space of One Calendar Month, unless such Rate, and all Arrears thereof, and all Costs, Charges, and Expenses, or so much thereof as shall remain unsatisfied by any such Distress, or otherwise, shall be sooner paid.

CXCV. Provided always, and be it enacted, That in Cases where the Amount of such Rate shall not exceed the Sum of Twenty-five Pounds the Costs and Charges levied for the Distress shall not exceed the Costs and Charges specified in an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of Small Rents.*

Certain Costs of Distresses not to exceed those specified in 57 G.3. c.93.

CXCVI. And be it enacted, That the Warrant of Distress for Nonpayment of any Rate or Composition to be made by virtue of this Act may be in the Form or to the Effect mentioned in the Schedule (D.) to this Act annexed.

Form of Warrant of Distress.

CXCVII. And for the better enforcing the Payment of the several Rates to be made by virtue of this Act, be it enacted, That if any Person liable to pay any such Rate shall at any Time begin to remove his Goods or Furniture from the House in his Occupation, or to sell or dispose of such Goods or Furniture therein by public Auction, or to sell or dispose of or carry away his Goods or Furniture, without paying all Arrears then due or rated in respect of such House in which the current Quarter shall be considered as due, then and in any of the said Cases it shall be lawful for the Collector to collect and levy such Rate, and all Arrears due thereon, by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rate, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rate, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner of such Goods and Chattels respectively.

In Cases of Persons removing their Goods, how Rates to be recovered.

CXCVIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners, if they shall think it expedient so to do, to bring, in the Name of their Clerk, any Action of Debt or special Action on the Case in any of the Superior Courts for any Rate to be made by virtue of this Act which shall exceed in Amount the Sum of Twenty Pounds, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Commissioners shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered.

Actions may be brought for Rates exceeding 20l.

CXCIX. And be it enacted, That no Action or Suit to be commenced or prosecuted under the Authority of this Act in the Name of the Clerk to the Commissioners for the Time being shall abate or be discontinued by the Death, Suspension, or Removal of the Clerk, or by the Act of the Clerk without the Consent of the Commissioners, but that the Clerk shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that the

Actions or Suits not to abate by the Death or Removal of the Clerk.

Clerk to be reimbursed all Expenses.

Clerk shall be reimbursed out of the Monies to be raised by virtue of this Act all such Costs, Charges, and Expenses as he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant.

Rates may be remitted on account of Poverty or otherwise.

CC. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, on Complaint of any Person subject to the Payment of any Rate made under the Authority of this Act who shall think himself aggrieved thereby or incompetent to pay the same, to mitigate, reduce, or lessen the same as they in their Discretion shall think just and reasonable, and also to remit or excuse the Payment thereof or any Part thereof for any Cause which they shall deem sufficient, or for or on account of the Poverty or Indigence of any Person liable to pay the same, so complaining.

Money collected to be paid into the Chamberlain's Office.

CCI. And be it enacted, That every Collector of Rates to be appointed by the Commissioners shall from Time to Time pay the Monies arising therefrom, as he shall receive the same, to the Chamberlain of the City, and upon every such Payment the Chamberlain or One of his Clerks shall, without Fee or Reward, give a Receipt in Writing to such Collector for the same; and if such Collector shall at any Time keep and retain in his Hands of the Monies so to be collected by him the Sum of Fifty Pounds or upwards above Two Days (the Chamber of *London* being within that Time open to receive the same), then and so often such Collector shall forfeit and pay the Sum of Five Pounds for every Day he shall retain the said Sum of Fifty Pounds or upwards beyond the said Two Days.

Collectors to deliver in an Account in Writing under their Hands to the Commissioners.

CCII. And be it enacted, That every Collector shall, upon Three Days Notice in Writing, given to or left for him at his usual Place of Abode by the Clerk to the Commissioners, attend the Commissioners at such Time and Place as shall be appointed in such Notice, and then and there, if required, deliver to the Commissioners a true, exact, and perfect Account in Writing under the Hand of such Collector of all Sums of Money which he shall then have received by reason of the said Office, and also a true List of the Names of all Persons within the District or Ward wherein he collects who shall have refused or neglected to pay their said Rates, with a true Account of the several Sums of Money which such Persons shall respectively be in arrear, to the Intent that the same may be speedily got in and recovered; and if any Collector, after such Notice given as aforesaid, shall refuse or neglect to attend or deliver in his Accounts as aforesaid, or to produce and deliver in the Vouchers relating to the same, or to account for any Sum or Sums of Money by him collected or received, and to pay the same and every Part thereof as is hereinbefore directed, then and in every such Case such Collector shall for every such Refusal or Neglect forfeit and pay such Sum of Money as the Rates which he shall have been intrusted or authorized to collect shall amount unto, after deducting the Amount of the Sum by him actually paid to the Chamberlain, which Forfeiture shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of the Superior Courts, to be commenced and prosecuted in the Name of the Clerk of the Commissioners.

Penalty on Collectors in case of Refusal, &c.

CCIII. Pro-

CCIII. Provided always, and be it enacted, That if any Collector shall have in his Hands any Monies collected by him, and shall refuse to account for and pay the same as aforesaid, it shall be lawful for any Justice, by Warrant under his Hand and Seal, to cause such Collector to be brought before him, and to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of such Collector, or the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to him that any of the Monies which shall have been collected and raised by virtue of this Act shall then be in the Hands of such Collector, and that he refuses to pay the same, according to the true Intent and Meaning of this Act, the said Justice is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods or Chattels of such Collector can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, then the said Justice may and shall commit such Collector to the House of Correction for the City, there to be detained and kept, without Bail or Mainprize, until he shall pay the same, or such Composition as the Commissioners shall agree to accept in full, which Composition the Commissioners are hereby empowered to make.

Collectors refusing to account for Monies received may be summoned before a Justice, who may cause Amount to be levied by Distress.

If no sufficient Distress, Offender may be committed.

CCIV. And be it enacted, That every Collector shall, upon Three Days Notice in Writing under the Hand of the Clerk given to him or left for him at his usual Place of Abode, attend the Commissioners at such Time and Place as shall be appointed in such Notice, and then and there, if required, answer touching any Neglect of Duty or other Matter of Complaint against him; and if any such Collector shall refuse or neglect to attend on such Notice as aforesaid, it shall be lawful for the Commissioners and they are hereby authorized and required, by Warrant under their Hands and Seals, or the Hands and Seals of any Three or more of them, to cause such Collector to be brought before them, and to hear and determine the Matter of such Complaint in a summary Way; and if such Collector shall not show good Cause of Excuse to the Satisfaction of the said Commissioners for his neglecting or refusing to attend on such Notice as aforesaid, he shall for every such Neglect or Refusal forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of the Collector; and if no Goods and Chattels of such Collector can be found sufficient to answer and satisfy the same, and the Charges of such Distress and Sale, then the Commissioners, by their Warrant as aforesaid, may commit such Collector to the House of Correction for the City, there to be detained and kept for any Time not longer than One Month nor less than Fourteen Days.

Commissioners to summon and examine Collectors touching Complaints, &c.

Collectors refusing to attend may be taken by Warrant.

Penalty on Collector not showing good Cause for not attending.

CCV. And be it enacted, That the Chamberlain of the City shall, out of the Monies collected and paid into the Chamber pursuant to this Act, pay all Sums of Money which the Commissioners shall from Time to Time draw upon him for or order him to pay; and the Chamberlain of the City shall keep regular and clear Entries, in Books to be provided for that Purpose, of all Receipts and Payments on account or in pursuance of this Act, to which Books every Person liable

Chamberlain to pay all Sums of Money ordered by the Commissioners, and to make Entries of the same,

which shall be open to Inspection.

Accounts to be laid before Parliament.

Rate Books to be received as Evidence.

Money may be borrowed on the Security of the Sewer Rate.

Money may be borrowed on the Security of the Consolidated Rate.

liable to the Payment of the said Rates shall have free Access at all convenient Times, with full Liberty to inspect and take Copies of or Extracts from the same, without Fee or Reward; and the Chamberlain of the City shall once in every Year have the said Accounts audited and passed by the Commissioners, and shall deliver Copies of the said Accounts to each House of Parliament within Three Months after the opening of every Session.

CCVI. And be it enacted, That the Rates or Copies thereof herein-before directed to be delivered, and also the Books herein-before directed to be kept, and all Entries duly made therein, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such Rates, or such of them or such Part thereof as shall by such Entries appear to have been paid to the Collector.

CCVII. And in order to raise Money to defray the Expenses incurred or to be incurred by the Commissioners in carrying into effect the Provisions of this Act as to the Sewerage and Drainage of the City, be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized to borrow or to take up at Interest on the Credit of the Rate herein-before authorized to be made and levied, and called the Sewer Rate, of and from any Persons who shall be willing to advance the same, the Sum or Sums of Money necessary for defraying the Costs, Charges, and Expenses incurred or to be incurred by them in making and carrying into effect the Sewerage and Drainage of the City; and for securing the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Commissioners may mortgage and assign over the said Sewer Rate or any Part thereof to the Persons who shall advance such Money, or their Trustees, as a Security for the Money to be borrowed, together with Interest for the same.

CCVIII. And in order to raise Money for defraying the Expenses incurred or to be incurred by the Commissioners in carrying into effect such Improvements within the City as they are or shall from Time to Time be authorized or empowered to make and carry into effect, and the other Provisions of this Act, and all other Expenses which are not expressly charged on the Sewer Rate, be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized to borrow and take up at Interest on the Credit of the Rate herein-before authorized to be made and levied, and to be called the Consolidated Rate, of and from any Persons who shall be willing to advance the same, the Sum or Sums of Money necessary for defraying the Costs, Charges, and Expenses incurred and to be incurred by them in the Sewerage and Drainage of the City, and in carrying such Improvements within the City, and the other Purposes of this Act, into full and complete Effect; and for securing the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the Commissioners may mortgage and assign over the Consolidated Rate or any Part thereof to the Persons who shall advance such Money, or their Trustees, as a Security

a Security for the Money so to be borrowed, together with Interest for the same.

CCIX. And be it enacted, That every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Seven of the Commissioners, and may be according to the Form in Schedule (E.) to this Act annexed, or to the like Effect. Form of Mortgage.

CCX. And be it enacted, That all Persons to whom such Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall be entitled one with another to their respective Proportions of the Rates or other Property comprised in such Mortgages, according to the respective Sums mentioned in such Mortgages to have been advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason or in respect of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively. Mortgages to be without Preference.

CCXI. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money which may be borrowed under the Authority of this Act by granting Annuities for Lives instead of Mortgages as aforesaid, and for that Purpose for the Commissioners to charge the Rates granted by this Act, or either of them, with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same. Commissioners may raise Money by Annuity.

CCXII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Seven of the Commissioners, and may be in the Form in Schedule (F.) to this Act annexed, or to the like Effect. Form of Grant of Annuity.

CCXIII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt. For preventing improvident Grants of Annuities.

CCXIV. And be it enacted, That every Annuity so granted shall be paid out of the Rate on which the same shall be charged, according to the Grant of such Annuity, and shall have Priority after any Mortgages of the same Rate granted under this Act. Annuities to rank after Mortgages.

CCXV. And be it enacted, That the Expenses of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same. Expenses of Mortgages and Annuities.

CCXVI. And be it enacted, That a separate Register of Mortgages on the Sewer Rate, and a like Register of Mortgages on the Consolidated Rate, and a like Register of Annuities, shall be kept by the Clerk of the Commissioners, and within Fourteen Days after the Date Register of Mortgages and Annuities to be kept, and to

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be open to
Inspection.

of any such Mortgage or Annuity an Entry or Memorial, specifying the Number and Date thereof, and the Sum secured thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in the proper Register; and every such Register may be perused at all reasonable Times by any Mortgagee or Annuitant, or by any Person interested in such Mortgage or Annuity, without Fee or Reward.

Assignment
of Mort-
gages and
Annuities.

CCXVII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Annuity may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (G.) to this Act annexed, or to the like Effect.

Register of
Transfers to
be kept.

CCXVIII. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the proper Register, in the same Manner as in the Case of the original Mortgage or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors and Administrators, to the full Benefit of the original Mortgage or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Annuity so transferred, or any Money thereby secured.

Interest on
Mortgages
to be paid
half-yearly.

CCXIX. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the Party entitled thereto, out of the Rate or other Funds on the Credit of which such Money shall have been borrowed.

Power to
borrow
Money at a
lower Rate
of Interest,
to pay off
Securities at
a higher.

CCXX. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid; in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the said respective Rates or other Property, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

A Sinking
Fund to be
formed to
pay off
Monies bor-

CCXXI. And be it enacted, That for the Purpose of providing a Fund for paying off the Principal Monies for the Time being by virtue of this Act, or any Mortgage granted in pursuance thereof, charged upon and owing to the Credit of the Sewer Rate, the Commissioners shall

shall once in every Year out of the said Rate set aside such Sum as they shall think proper, being not less than Five Pounds *per Centum* nor more than Ten Pounds *per Centum* on the Amount of the Principal Monies by this Act raised, and any Mortgage granted in pursuance thereof, charged upon the said Rate; and the Sum so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of "The Commissioners of Sewers of the City of *London*—The Sewer Rate;" and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money; and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate, and so from Time to Time until the whole of the said Principal Monies shall be discharged.

rowed on
the Credit of
the Sewer
Rate.

CCXXII. And be it enacted, That for the Purpose of providing a Fund for paying off the Principal Monies for the Time being by virtue of this Act, or any Mortgage granted in pursuance thereof, charged upon and owing on the Credit of the Consolidated Rate, the Commissioners shall once in every Year out of the said Consolidated Rate set aside such Sum as they shall think proper, being not less than Five Pounds *per Centum* nor more than Ten Pounds *per Centum* on the Amount of the Principal Monies borrowed upon the said Consolidated Rate; and the Sum so from Time to Time set aside, and also all other Monies which shall be applied by the Commissioners in augmentation of the said Fund, shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies for the Time being charged upon and owing on the Credit of the said Consolidated Rate, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of "The Commissioners of Sewers of the City of *London*—The Consolidated Rate;" and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund shall amount to a Sum which in the Opinion of the Commissioners can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money; and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the

A Sinking
Fund to be
formed to
pay off
Monies bor-
rowed on the
Credit of the
Consoli-
dated Rate.

Credit

Credit of the said Consolidated Rate, and so from Time to Time until the whole of the said Principal Monies shall be discharged.

Mode of
paying off
Mortgages.

CCXXIII. And in order that no undue Preference may be given in paying off any Mortgage, be it enacted, That when and as often as the Commissioners shall be enabled and think it expedient to pay off One or more out of the Number of Mortgages of the Sewer Rate or of the Consolidated Rate, they shall cause the several Numbers of the Mortgages on such Rate to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk of the Commissioners shall, in the Presence of Seven or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by the Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice, and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

No Transfer
or Release
necessary
from Mort-
gagee.

CCXXIV. And be it enacted, That from and after the Payment or Satisfaction of all the Principal and Interest Monies secured by any Mortgage made under the Powers of this Act, all the Estate, Property, Right, and Interest by such Mortgage vested in the Mortgagee, his Heirs, Executors, Administrators, or Assigns, shall, without any Transfer or Release, or any other Act or Deed whatsoever, immediately cease and determine.

Repayment
of Money
borrowed at
a Time and
Place agreed
upon.

CCXXV. And be it enacted, That the Commissioners may, if they think proper, fix a Period for the Repayment of all Principal Monies borrowed on Mortgage under the Provisions of this Act, with the Interest thereof, and in such Case the Commissioners shall cause the Period to be inserted in the Mortgage Deed, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on Demand, be paid to the Party entitled to receive such Principal Money and Interest; and if no other Place of Payment be inserted in such Mortgage Deed, such Principal and Interest shall be payable at the Office of the Commissioners.

Repayment
of Money
borrowed
when no
Time or
Place has
been agreed
upon.

CCXXVI. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Commissioners may at any
Time

Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee or Creditor shall be delivered to the Clerk, or left at the Office of the Commissioners, and if given by the Commissioners shall be given either personally to such Mortgagee or Creditor, or left at his usual or last known Place of Residence in *England*, or if such Mortgagee or Creditor be unknown to the Commissioners, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette*.

CCXXVII. And be it enacted, That it shall be lawful for any Mortgagee or other Person entitled to receive Payment of the Money secured by any Mortgage to enforce the Payment of the Principal Money and Interest due on any such Mortgage authorized by the Provisions of this Act by applying for the Appointment of a Receiver in the Manner herein-after mentioned; but in order to authorize the Appointment of such Receiver the Amount of Money owing to the Mortgagee or Creditor by whom the Application is made shall not be less than One thousand Pounds.

Mortgages in arrear may be enforced by the Appointment of a Receiver.

CCXXVIII. And be it enacted, That if within Six Months after the Principal Money or any Interest owing upon any such Mortgage has become payable, and after Demand thereof in Writing, the same be not paid, the Mortgagee or other Creditor as aforesaid (without Prejudice to his Right to sue for such Principal Money, together with all Arrears of Interest, in any of the Superior Courts,) may, if his Debt amount to the Sum of One thousand Pounds, alone, or if his Debt does not amount to that Sum he may in conjunction with other Mortgagees (whose Debts, being so in arrear after Demand as aforesaid, shall together with his Amount to the said Sum), require the Appointment of a Receiver, by an Application to be made as herein-after provided.

Receiver may be appointed, if Arrear remains unpaid for the Time prescribed.

CCXXIX. And be it enacted, That every Application for a Receiver shall be made to Two Justices, and on any such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Rate or other the Property or Monies liable to the Payment of such Interest, or Principal and Interest, as the Case may be, until such Interest, or Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates or other Property or Monies, be fully paid; and upon such Appointment being made all such Rates, Property, and Monies as aforesaid shall be paid to and received by the Person so to be appointed, who is hereby empowered to give good and sufficient Discharges for the same; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf the Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, shall have been so received, the Power of such Receiver shall cease.

Mode of appointing Receiver.

Proof of
Debts in
Bankruptcy.

CCXXX. And be it enacted, That if any Person against whom the Commissioners may have any Claim or Demand shall become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk, in all Proceedings against the Estate of such Bankrupt or Insolvent, or, under any Fiat, Sequestration, or Act of Insolvency, against such Bankrupt or Insolvent, to represent the Commissioners, and act in their Behalf in all respects as if such Claim or Demand had been the Claim or Demand of the Clerk, and not of the Commissioners.

Service of
Notice on
Commissioners.

CCXXXI. And be it enacted, That any Summons, Notice, Writ, or other Proceeding at Law or in Equity required to be served upon the Commissioners may lawfully be served by delivering the same personally to the Clerk, or by leaving the same at the Office of the Commissioners.

Service of
Notice on
other Persons.

CCXXXII. And be it enacted, That any Notice which by this Act, or by any Act incorporated herewith, may be required to be given to any Person, may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate, at his usual Place of Residence or Business, or in case such Place is not known, by affixing or leaving the same on or at his last known Place of Residence or Business.

Authenti-
cation of
Notices.

CCXXXIII. And be it enacted, That every Summons, Demand, or Notice, or other like Document given under the Provisions of this Act, may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by the Clerk.

Releases to
Witnesses.

CCXXXIV. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for the Clerk, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hand and Seal of the Party giving the same.

Tender of
Amends.

CCXXXV. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Provision for
Damages not

CCXXXVI. And be it enacted, That in all Cases where the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained

ascertained or recovered in a summary Manner, or any Damages, Costs, or Expenses are by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by any Justice; and if the Amount so ascertained be not paid by the Commissioners or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Commissioners or other Party liable as aforesaid, and any Justice, on Application, shall issue his Warrant accordingly.

CCXXXVII. And be it enacted, That where under the Authority of this Act Two or more Persons are or may be directed by the Commissioners to do or join in doing any Act, or to pay or join in paying any Sum of Money, Costs, or Expenses, or, where the Commissioners are authorized or shall think proper to permit Two or more Persons to join together in doing any Act, or paying any Sum of Money, Costs, or Expenses, it shall be lawful for the Commissioners to apportion the Matter to be done, or the Sum of Money, Costs, or Expenses to be paid between such Persons in such Manner as they the Commissioners shall consider just and reasonable.

CCXXXVIII. And be it enacted, That if any Sum of Money which, under the Provisions of this Act, or by the Decision of the Commissioners, ought to be paid by the Owner of any House or Building or other Property, shall be paid by the Occupier of such House, Building, or other Property, or be levied on his Goods and Chattels, then the Person who shall be the Owner of such House or Building or other Property at the Time of such Payment or Levy shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any), paid by him, from any Rent due or to become due from him in respect of such House, Building, or Property, and the Payment shall be a good and sufficient Discharge to such Occupier against such Owner for so much Money as he shall have paid in the Manner directed by this Act or by the Commissioners, or shall have sustained the Loss of by reason of any Distress made under this Act, or such Occupier may recover the same from such Owner as aforesaid by Action of Debt or on the Case, to be brought in any of the Superior Courts or in any Court whatsoever: Provided always, that nothing herein contained shall be taken to affect any special Contract made or to be made between any Owner and Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property.

CCXXXIX. And be it enacted, That where in this Act any Question of Compensation, Expenses, Charges, or Damages is referred to the Determination of any One Justice or more, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice or before Two Justices (as the Case may require), at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the

otherwise provided for.

Where Two or more Persons are to do any Act or pay any Sum of Money, Commissioners may apportion the same.

Occupier may recover from Owner or deduct from his Rent.

Method of proceeding before Justices in Questions of Damages.

Absence

Absence of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice or such Two Justices (as the Case may be) to hear and determine such Question, and for that Purpose to examine such Parties, or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justice or Justices, and he or they shall determine the Amount thereof.

Publication
of Penalties.

CCXL. And be it enacted, That the Commissioners shall publish the short Particulars of the several Offences for which any Penalty is imposed by this Act, or by any Rule or Regulation of the Commissioners, affecting other Persons than the Officers or Servants of the Commissioners, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper pasted thereon, and shall cause such Board to be hung up or affixed in some conspicuous Place in the Office of the Commissioners, and where any such Penalties are of local Application shall cause such Boards or Papers to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference, and which Particulars shall be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for
defacing
Boards used
for such
Publications.

CCXLI. And be it enacted, That if any Person shall pull down or injure any Board put up or required by this Act for the Purpose of publishing any Rule or Regulation or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expenses attending the Restoration of such Board.

Penalties to
be sum-
marily re-
covered
before One
Justice.

CCXLII. And be it enacted, That every Penalty or Forfeiture imposed by this Act, or by any Rule or Regulation made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceeding before any Justice; and on Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and on the Appearance of the Party complained against, or, in his Absence, upon Proof of the due Service of such Summons, it shall be lawful for any Justice to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Justice to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justice shall think fit; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual as if an Information in Writing was exhibited.

CCXLIII. And

CCXLIII. And be it enacted, That if upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not forthwith paid, the Amount of such Penalty and Costs may be levied by Distress, and any Justice may issue his Warrant of Distress accordingly.

Penalties may be levied by Distress.

CCXLIV. And be it enacted, That it shall be lawful for any such Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before a Justice on the Day appointed for such Return, such Day not being more than Eight Days from the Time of making such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justice whereon to levy such Penalty or Forfeiture and Costs, he may, if he shall think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice may, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Justices may, until Return of Warrant of Distress, commit Offender to Prison, unless he gives Security.

CCXLV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expense of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress how to be levied.

CCXLVI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

CCXLVII. And be it enacted, That the Justice by whom such Penalty or Forfeiture shall be imposed shall, where the Application is not otherwise provided for, award the same to the Commissioners, to be by them used and applied to any of the Purposes of this Act, as to them shall appear fit, and shall order the same to be paid over to the Chamberlain of the City.

Application of Penalties.

CCXLVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this

Penalties to be sued for within Six Months.

Act for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Damages to be made good, in addition to Penalty.

CCXLIX. And be it enacted, That if through any Act, Neglect, or Default on account whereof any Person shall have incurred any Penalty imposed by this Act any Damage to the Property of the Commissioners shall have been committed by such Person, he shall be liable to make good such Damage as well as to pay such Penalty; and the Amount of such Damage, in case of Dispute, shall be determined by the Justices by whom the Party incurring such Penalty shall have been convicted; and on Nonpayment of such Damages, on Demand, the same may be levied by Distress, and such Justices, or any One of them, may issue their or his Warrant accordingly.

Transient Offenders.

CCL. And be it enacted, That it shall be lawful for any Officer or Servant of the Commissioners, and for any Police Constable, and all Persons called by him to his Assistance, to seize and detain any Person who shall have committed any Offence against the Provisions of this Act, or any Rule or Regulation made in pursuance thereof, and whose Name and Residence shall be unknown to such Officer or Servant or Police Constable, and convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCLI. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (H.) to this Act annexed.

Proceedings not to be quashed for Want of Form.

CCLII. And be it enacted, That no Act, Order, or Proceeding in pursuance of this Act, or in relation to the Execution thereof, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts, except as herein specially provided.

Parties allowed to appeal to Quarter Sessions, on giving Security.

CCLIII. And be it enacted, That if any Person shall feel aggrieved by any Adjudication or Determination of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General or Quarter Sessions, but no such Appeal shall be entertained unless it be made within Four Months next after the making such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as

CCLIV. And be it enacted, That at the General or Quarter Sessions for which such Notice shall be given the Court shall proceed

to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions, and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid to the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

they think reasonable.

CCLV. And be it enacted, That if any Person upon his Examination upon Oath before any Court or Justice shall wilfully and corruptly give false Evidence, or if any Person shall take or make any false Oath or Affidavit with respect to any Matter or Thing relating to this Act, every such Person so offending, and being duly convicted thereof, shall be subject and liable to such Pains and Penalties as by any Law in force Persons guilty of wilful and corrupt Perjury are subject and liable to.

Penalty on giving false Evidence.

CCLVI. And be it enacted, That if any Person shall at any Time obstruct, hinder, or molest any Commissioner, or any Surveyor, Inspector, Collector, or other Officer, Workman, or Person whomsoever, who shall be employed by virtue of this Act, in the Performance or Execution of his Duty, every such Person so offending shall for the First Offence forfeit and pay the Sum of Five Shillings, for the Second Offence the Sum of Twenty Shillings, and for the Third and every other Offence the Sum of Five Pounds.

Penalty on interrupting Workmen, &c. in Execution of Duties.

CCLVII. And be it enacted, That if any Person shall obstruct, assault, molest, or hinder any Collector or other Person employed to collect any Rate made under the Authority of this Act, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Persons assaulting Collectors.

CCLVIII. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice touching any Complaint for any Offence against this Act, either on the Part of the Prosecutor or of the Person accused, or if any Person shall be summoned as a Witness to give Evidence upon any Appeal, or any Adjournment thereof, by virtue of this Act, either on the Part of the Appellant or Respondent, and any such Person shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (which Oath such Justice is hereby authorized and required to administer) and to give Evidence before such Justice, or upon such Appeal or any Adjournment thereof, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence the Sum of Twenty Shillings.

For compelling Attendance of Witnesses.

CCLIX. And be it enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings relating to or concerning the Execution

Inhabitants may be Witnesses.

Execution of this Act any Inhabitant within the City shall be a competent Witness, and be admitted to give Evidence, notwithstanding such Inhabitant is charged with or liable to pay any Rate by virtue of this Act.

Commitments may be made to the Giltspur Street Prison, &c.

CCLX. And be it enacted, That in every Case in which under the Authority of this Act any Person shall be ordered to be committed to Prison, such Person shall, unless the Justice shall otherwise direct, be committed to the *Giltspur Street* Prison, or to the House of Correction for the City.

Act not to prejudice the Metropolitan Commissioners of Sewers Act.

CCLXI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice the Provisions of any Act passed or to be passed in the present Session of Parliament for consolidating the Metropolitan Commissioners of Sewers, in relation to Sewers within the City of *London* and the Liberties thereof, and the Provisions of such Act as last aforesaid with reference to the Commissioners of Sewers of the City of *London* therein mentioned shall take effect with reference to the Commissioners of Sewers of the City of *London* constituted under this Act, instead of the said first-mentioned Commissioners.

Interpretation of Act.

CCLXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

“Number:”

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

“Gender:”

Words importing the Masculine Gender only shall include Females:

“Month:”

The Word “Month” shall mean Calendar Month:

“Person:”

The Word “Person” shall include Corporations, whether aggregate or sole:

“Oath:”

The Word “Oath” shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Person exempted by Law from the Necessity of taking an Oath; and the Power of administering Oaths shall include the Power of taking Affirmations:

“City:”

The Word “City” shall mean the City of *London* and the Liberties thereof, and shall include such Parts of *Holbarn*, the *Minories*, and *Aldersgate Street* as are or have been usually treated as being within the Liberties of the City, and the Courts and Alleys leading into the same or communicating therewith, and also the North Side of *Eldon Street*, formerly called *Broker Row*, *Moorfields*, and the Courts and Alleys leading into the same or communicating therewith, and all Precincts and Places within the City of *London* or the Liberties thereof:

“Lord Mayor:”

The Expression “Lord Mayor” shall mean the Lord Mayor for the Time being of the City of *London*:

“Mayor and Commonalty and Citizens:”

The Words “Mayor and Commonalty and Citizens” shall mean the Mayor and Commonalty and Citizens of the City of *London*:

The

- The Words "Mayor, Aldermen, and Commons" shall mean the Mayor, Aldermen, and Commons of the City of *London* in Common Council assembled: "Mayor, Aldermen, and Commons:"
- The Expression "the Commissioners" shall mean the Commissioners of Sewers of the City of *London*: "Commissioners:"
- The Word "Clerk" shall mean the principal Clerk for the Time being of the Commissioners: "Clerk:"
- The Word "Rate" shall mean any Rate or Assessment made under the Authority of this Act: "Rate:"
- The Words "Permission of the Commissioners," or "Consent of the Commissioners," or "Licence of the Commissioners," shall respectively mean Permission, Consent, or Licence in Writing, signed by the Clerk or by such other Person as the Commissioners shall from Time to Time authorize to give or grant such Permission, Consent, or Licence respectively: "Permission:"
"Consent:"
"Licence:"
- The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*, and shall include the Mayor's Court and the Sheriff's Court of the City of *London*: "Superior Courts:"
- The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace of the City of *London*: "General or Quarter Sessions:"
- The Word "Justice" shall include the Lord Mayor, or any Justice, Alderman, or the Recorder of the City of *London*: "Justice:"
- When any Matter shall be authorized or required to be done by or before Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and sitting together in Petty Sessions, or the Lord Mayor or any One Alderman of the City of *London*: "Two Justices:"
- The Word "Land" shall extend to and comprise Messuages, Lands, Tenements, or Hereditaments of any Tenure, and shall include Houses and Buildings: "Land:"
- The Word "House" shall mean a Dwelling House: "House:"
- The Word "Building" shall extend to and comprise Houses, Warehouses, Manufactories, and all Buildings, of what Nature or Kind soever, and every Part thereof: "Building:"
- The Word "Street" shall include any Square, Street, Court, Alley, Footpath, Footway, Highway, Lane, Road, Thoroughfare, or public Passage or Place: "Street:"
- The Word "Court" shall mean any present or future Court, or Passage leading into a Court, or any present or future Alley, or other Way or Place, having a House or Houses or the principal Entrance into a House therein, but not having a Road or Carriageway: "Court:"
- The Word "Passage" shall mean any present or future Passage, Alley, or other Way or Place not having a House or Houses or the principal Entrance into a House therein, but merely leading into any Street or Court, or to any House in such Street or Court, and not being a Road or Carriageway: "Passage:"
- The Word "public Place" shall mean any Place to which the Public have Power of Access, either by Day or by Night: "Public Place:"
- The Word "Pavement" shall include Stone of all Kinds, Bricks, Tiles, Wood, Asphalte, or any other Preparation, or any Materials used
[Local.]

used in lieu of Paving Stones, by or with the Approbation of the Commissioners :

- “Carriage:” The Word “Carriage” shall include any Coach, Omnibus, Chariot, Car, Fly, Cabriolet, Gig, Sociable, Waggon, Cart, Caravan, Timber Carriage, Dray, Sledge, Truck, Handcart, Wheelbarrow or Handbarrow :
- “Cart:” The Word “Cart” shall include any Waggon, Caravan, Timber Carriage, Dray, or such like Vehicle :
- “Cattle:” The Word “Cattle” shall include any Horse, Mare, Gelding, Foal or Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine :
- “Offensive Matter:” The Words “any offensive Matter or Thing” shall include any Nightsoil, Offal, putrid Meat or Fish, Entrails of Fish, Carrion, dead Animals, Blood, Dung, Manure, Fish, Shells, Bones, broken Glass, China, or Earthenware, Dust, Ashes, Refuse of Vegetables or Fruit, Orange Peel, Soaples, Soapsuds, or Gas Tar :
- “Owner.” The Word “Owner” shall mean any Person in the Possession or Receipt of Rent or Profit arising from any House, Building, or Land :

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like Manner as to an Individual ; and where the doing of any Act or Thing is made punishable by this Act, or by any of the Rules or Regulations to be made by the Commissioners in pursuance thereof, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Expenses of Act.

CCLXIII. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Commissioners out of any Monies in their Hands at the Time of the passing of this Act, or which shall otherwise come to their Hands by virtue of this Act, in such Proportions and in such Manner as they shall think fit.

Commencement of Act.

CCLXIV. And be it enacted, That this Act shall commence and come into operation on the First Day of *January* next after the passing thereof, and shall continue in force for Two Years next after the said First Day of *January* next, and thence to the End of the then next Session of Parliament.

On Expiration of this Act recited Acts of 11 & 33 G. 3. and 10 G. 4. to be revived.

CCLXV. Provided always, and be it enacted, That when this Act shall expire the several herein-before recited Acts passed in the Eleventh and Thirty-third Years of the Reign of His late Majesty King *George* the Third and in the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall revive and be of full Force and Effect.

Public Act.

CCLXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

Certificate of Medical Practitioners.

To the Commissioners of Sewers of the City of London.

WE, the undersigned
Two duly qualified Medical Practitioners, residing in the Parish of
in the City of London, [*or I A.B., Medical Officer
of Health of the City of London,*] having viewed the House, Building,
or Land [*as the Case may be*] occupied by *C.D.* [*or unoccupied, as
the Case may be*], situate in Street in the Parish of
in the City of London, do hereby certify, that the
same is in a filthy or unwholesome State [*or that there is an Accu-
mulation of offensive or noxious Matter, Refuse, Dung, or Offal, on the
said Piece of Land, or that there is a foul and offensive Drain, Privy,
or Cesspool in or on the said House, Building, or Land, as the Case
may be*], and that the same is likely to be prejudicial to the Health
of Persons whose Habitations are in the Neighbourhood of the same.

Witness our Hands [*or my Hand*], this Day of
in the Year of our Lord One thousand eight hundred

(Signed) *E.F.,
G.H.,*

Members of the Royal College of Surgeons.
or A.B.,
Medical Officer of Health of the City of London.

SCHEDULE (B.)

Summons of Commissioners.

To *J.K.* and all other Persons whom this may concern.

London, } WHEREAS Complaint hath been this Day made before the
to wit. } Commissioners of Sewers of the City of London, setting
forth that a certain House, Building, *or* Land situate in
[*describing the Premises*], is in a filthy and unwholesome State [*or
that there is an Accumulation of offensive or noxious Matter, Dung,
Refuse, or Offal on a certain Piece of Land situate in
(describing the Premises), or that there is a foul and offensive
Drain,*

Drain, Privy, or Cesspool in certain Premises occupied by One *X.Y.*,
 situate in *(describing the Premises)*];
 and the Certificate in Writing under the Hands of *E.F.* and *G.H.*,
 Two duly qualified Medical Practitioners [*or* under the Hand of
A.B., the Medical Officer of Health of the City of London], certifying
 that the same is likely to be prejudicial to the Health of Persons
 whose Habitations are in the Neighbourhood thereof, having been
 also produced before the Commissioners at the Time of making the
 said Complaint: These are therefore to require you the said *J.K.*,
 the Owner, Lessee, or Occupier of the said House, Building, *or* Land
 [*as the Case may be*], to appear before the Commissioners of Sewers
 of the City of London at _____ on the
 Day of _____ next, at the Hour of _____ of the Clock, to
 answer the Matter of the said Complaint.

Given under our Hands and Seals, the _____ Day of _____
 in the Year of our Lord One thousand eight hundred and _____

L.M. (L.S.)
N.O. (L.S.)
 Two of the Commissioners.

SCHEDULE (C.)

Order of Commissioners.

To *J.K.* [Owner *or* Occupier, *if any such there be*], and to all other
 Persons whom this Order may concern.

London, } WHEREAS on the _____ Day of _____
 to wit. } last Complaint was made before the Commissioners of
 Sewers of the City of London, that the House, Building *or* Land
 occupied by One *X.Y.*, situate in _____ Street in the Parish of _____
 in the said City of London [*describing the Premises*], was
 in a filthy and unwholesome State, *or* that there was an Accumulation
 of offensive or noxious Matter, Refuse, and Offal on a certain Piece
 of Land situate, &c. [*or* that there was a foul and offensive Drain,
 Privy, or Cesspool in certain Premises occupied by One *Y.Z.*, situate,
 &c., *as the Case may be*]; and the Certificate in Writing under the
 Hands of *E.F.* and *G.H.*, being Two duly qualified Medical Prac-
 titioners [*or* under the Hand of *A.B.*, the Medical Officer of Health
 of the City of London], certifying that the same was likely to be
 prejudicial to the Health of Persons whose Habitations are in the
 Neighbourhood thereof, was produced before the Commissioners at
 the Time of the making of the said Complaint: And whereas *J.K.*,
 the Owner [*or* Occupier] of the said Dwelling House [*or* of the said
 Piece of Ground, *or* of the said Premises,] herein-before described,
 has this Day appeared before the Commissioners, in pursuance of a
 Summons duly served upon him in that Behalf, to answer the Matter
 of the said Complaint: [*or, if the Summons has been served, and the
 Party served has not attended, And* whereas it has been proved
 before the Commissioners that *J.K.*, the Owner [*or* Occupier] of the
 said

said Premises in the said Certificate mentioned, was served with a true Copy of the Summons requiring the said *J.K.* to appear this Day before the Commissioners to answer the said Complaint:] [*or, if the Summons has not been served,* And whereas it has been proved before the said Commissioners, &c., that the said *J.K.*, the Owner [*or Occupier*] of the said Premises in the said Certificate mentioned, could not be found, and that a true Copy of a Summons requiring the said *J.K.* to appear this Day before the Commissioners to answer the said Complaint was left on the said Premises]: Now the Commissioners of Sewers of the City of London, having heard the said Complaint, and examined the Fact and all proper Witnesses, and the Existence of the Nuisance in the said Certificate described having been proved to their Satisfaction, do hereby, in pursuance of the Statute in that Case made and provided, order the said *J.K.*, the Owner [*or Occupier, as the Case may be,*] of the said Dwelling House [*or of the said Piece of Ground, or of the said Premises occupied by Y.Z.*], within _____ Hours from the Service of this Order or a true Copy thereof on the said *J.K.* [*or, if Service cannot be forthwith effected upon him, then within _____ Hours from the Period when this Order, or a true Copy thereof, shall have been affixed upon some Part of the said Premises,*] to whitewash, cleanse, and purify the said Dwelling House [*or to remove or abate the said Accumulation of offensive or noxious Matter, Refuse, Dung, and Offal from the said unoccupied Piece of Land, or to cleanse the said foul and offensive Drain, Privy, or Cesspool*]; and if Default shall be made by the said *J.K.* in obeying this Order, then the Commissioners authorize and require, order, and direct you [*the Persons named*] to enter upon the said Premises, and to cleanse, whitewash, and purify the said Dwelling House, *or to remove or abate the said Accumulation of offensive or noxious Matter, Refuse, Dung, and Offal from the said Piece of Land, or to cleanse the said foul and offensive Drain, Privy, or Cesspool.*

And for so doing this shall be your sufficient Warrant and Authority.

Given under my Hand, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

B. C.,

Clerk to the Commissioners of Sewers.

SCHEDULE (D.)

Form of Warrant of Distress.

London, } To the Commissioners of Sewers of the City of London,
to wit. } and to their Collectors of Rates, and to all Police
Constables, Beadles, and Peace Officers for the said City :

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of a House, Building, *or Land* within the [*insert the Name of the Ward or District*], were and are rated and assessed or are liable to the Payment of the Sums of Money set at and opposite to their respective Names hereunder written, by virtue of a Rate duly made

[*Local.*]

25 Q

under

11° & 12° VICTORIÆ, Cap. clxiii.

under and by virtue of the City of London Sewers Act, 1848, for the Purpose of [*insert the Purpose for which the Rate was made*]: And whereas the said Persons have refused or neglected to pay the several Sums of Money set at and opposite their Names hereunder written, due from them by virtue of such Rate; and the said several Sums of Money are still remaining due and unpaid, as appeareth upon Oath to me [the Mayor or One of the Aldermen or Justices of the said City], and the said several Persons having been summoned to appear to answer the Premises, as also appeareth to me [the said Mayor or Alderman or Justice] upon Oath, and they or either of them not having shown any sufficient Cause why such Sums of Money should not be paid by them respectively: Now these are therefore, in Her Majesty's Name, to will and require you or any of you forthwith to levy the said several Sums of Money due from the said Persons, and hereunder set at and opposite to their Names respectively, and also the Two several Sums of [*inserting the Amount of the Costs and Charges for the Summons and for the Warrant*], for the Costs and Charges of the said Summons and of these Presents, by Distress and Sale of their respective Goods and Chattels, such Goods and Chattels being kept for the Space of Five Days before the same are sold, rendering to them respectively the Overplus, if any, on Demand, the reasonable Charges of such Distress, and of any Removal, or keeping Possession, Appraisement, or Sale thereof, being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to me, to the end such Proceedings may be had therein as to the Law doth appertain. Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

£ s. d.

A. B.

C. D.

E. F. (the Landlord for divided Premises)

G. H. (Landlord for

in

compounded for)

K. L. (Tenant.)

SCHEDULE (E.)

Form of Mortgage Deed.

The City of London Sewers Act, 1848.

Mortgage of Sewer [*or, as the Case may be, Consolidated*] Rate, No.

By virtue of the City of London Sewers Act, 1848, we, Seven of the Commissioners of Sewers of the City of London, in consideration of the Sum of Pounds paid to us by A. B. of for the Purposes of the said Act, do grant and assign unto the said A. B., his Executors, Administrators, and Assigns, such Proportion of the Rates arising or accruing and to be raised and collected by virtue of the said Act under the Name of the Sewer [*or, as the Case may be, of the Consolidated*] Rate, as the said Sum of Pounds doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit

Credit of the said Rate, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of Pounds with Interest for the same at per Cent. per Annum, shall be fully paid and satisfied [*the Principal Sum to be repaid at the End of Years from the Date thereof, in case any Period be agreed for that Purpose*]. In witness whereof we have hereunto set our Hands and Seals, this Day of

SCHEDULE (F.)

Form of Grant of Annuity.

The City of London Sewers Act, 1848.

By virtue of the City of London Sewers Act, 1848, we, Seven of the Commissioners of Sewers of the City of London, in consideration of the Sum of Pounds paid to us by *A. B.* of for the Purposes of the said Act, do grant unto the said *A. B.* an Annuity or yearly Sum of Pounds to be issuing out of the Rates arising or accruing and to be raised and collected by virtue of the said Act under the Name of the Sewer [*or, as the Case may be, of the Consolidated*] Rates, to be paid to the said *A. B.* during the Term of his natural Life [*or, as the Case may be, to the said his Executors, Administrators, or Assigns, during the natural Life of or during the natural Lives of and and the Life of the Survivor of them*], upon the Day of and the Day of in every Year during his natural Life [*or, as the Case may be, during the natural Life of the said or during the natural Lives of the said and the Life of the Survivor of them*], the first Payment thereof to be made upon the Day of next ensuing the Date hereof.

In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (G.)

Form of Transfer of Mortgage or Grant of Annuity.

The City of London Sewers Act, 1848.

I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or a certain Grant of Annuity, Number as the Case may be*], made by the Commissioners of and under

under the Authority of the City of London Sewers Act, 1848, to
 bearing Date the Day of
 for securing the Sum of Pounds and Interest [or
 for granting an Annuity of Pounds, *as the Case may be, or, if
 such Transfer be by Endorsement,* the within Security], and all my
 Right, Estate, and Interest in and to the Money thereby secured [or
 the Annuity thereby granted], and in and to the Rates, Money, and
 Property thereby assigned.

Dated this Day of in the Year of our
 Lord One thousand eight hundred and . . .

SCHEDULE (H.)

Form of Conviction.

London, } BE it remembered, That on the Day of
 to wit. } in the Year of our Lord at
 in the City of London, *A. B.* [or, *if the Offender's Name be unknown,*
here describe his Person,] is convicted before me, Mayor or One of
 the Aldermen of the said City, for that [here describe the Substance
 of the Offence, and the Time and Place when and where the same was
 committed], contrary to the City of London Sewers Act, 1848, or
 contrary to a Rule or Regulation made by the Commissioners of
 Sewers of the City of London in pursuance thereof; and I, Mayor,
 or the said Alderman, adjudge the said *A. B.* [or the Person so
 described] to forfeit and pay for such Offence [or for the Damage or
 Injury aforesaid, *if the Offence is to be subject to a Fine,*] the Sum
 of [here insert the Penalty, state if it is to be paid forthwith, and when],
 together with the Sum of for Costs of this Conviction [or,
if to be imprisoned,], do adjudge the said *A. B.* [or the Person so
 described] to be committed to [naming the Gaol] for the Space of
 [insert the Time, and if the Commitment be for the Nonpayment of a
 Penalty add] unless the said Sum shall be sooner paid.

Given under my Hand and Seal, the Day and Year first above
 mentioned.