



Towns Improvement Clauses Act 1847

1847 CHAPTER 34

Objections to Works

And with respect to Objections to the Works to be constructed by or subject to the Approval of the Commissioners, be it enacted as follows.

LXXXIX Commissioners to give Notice of new Levels or Sewers.

Twenty-eight Days at the least before fixing the Level of any Street which has not become a public Highway, or any Street which has not been theretofore levelled or paved, and before making any Sewer where none was before, or altering the Course or Level of or abandoning or stopping any Sewer, the Commissioners shall give Notice of their Intention by posting a printed or written Notice in a conspicuous Place at each End of every such Street through or in which such Work is to be undertaken, which Notice shall set forth the Name or Situation of the Street intended to be levelled or paved, and the Names of the Places through or near which it is intended that the new Sewer shall pass, or the existing Sewer be altered or stopped up, and also the Places of the beginning and the End thereof, and shall refer to Plans of such intended Work, and shall specify a Place where such Plans may be seen, and a Time when and Place where all Persons interested in such intended Work may be heard thereupon; and they shall at the same Time give to the Inspector Notice of the said intended Work, and of the Time and Place appointed for hearing Objections thereto.

LXXX Meeting of Commissioners to hear Objections in the Presence of the Inspector.

The Commissioners shall meet at the Time and Place mentioned in the said Notice, to consider, in the Presence of the Inspector, or of the Surveyor of the Commissioners, any Objections made against such intended Work, and all Persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such Meeting; and thereupon the Commissioners may, with the Concurrence of the Inspector, if any Inspector has been appointed and is present at such Meeting, or in the Absence of the Inspector, or if no Inspector have been appointed, then in their Discretion, abandon or make such Alterations in the said intended Work as they judge fit; and no such Work to which any Objection is made at such Meeting at which any such Inspector shall be present shall be executed unless the Inspector, or if no

Inspector have been appointed, then unless the Surveyor of the Commissioners, after the Person making such Objection or his Agent has been heard, certify that the Work in his Judgment ought to be executed, nor shall such Work be begun until the End of Seven Days after an Order for the Execution thereof has been duly made by the Commissioners, and entered in their Books.

LXXXVIII Persons aggrieved by Order of Commissioners may appeal to Quarter Sessions.

Any Person liable to pay or to contribute towards the Expence of any of the Works aforesaid, or otherwise aggrieved by any Order of the Commissioners relating thereto, may, at any Time within Seven Days next after the making of any such Order, give Notice in Writing to the Commissioners that he intends to appeal against such Order to the Court of Quarter Sessions holden next after the Expiration of Ten Days next after such Notice, and along with such Notice he shall give a Statement in Writing of the Grounds of the Appeal; and if within Four Days next after giving such Notice the Party enter into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try the Appeal, and abide the Order of the Court, and pay such Costs as shall be awarded by the Court thereupon, the Work so appealed against shall not be begun until after the Judgment of the Court upon such Appeal; and such Court, upon due Proof of such Notice and of such Recognizance having been given and entered into, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the Court in its Discretion thinks fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given and such Recognizance entered into as aforesaid, nor on the hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.