



# Metropolis Management Act 1855

## 1855 CHAPTER 120

### *Duties and Powers of Vestries and District Boards*

#### **LXVII "Vestry" in following Provisions to mean Vestry of a Parish in Schedule (A.)**

Where in the Provisions herein-after contained any Expression is used referring to the Vestry of a Parish, such Expression shall be construed as referring only to the Vestry of a Parish mentioned in Schedule (A.) to this Act, unless such Construction be repugnant to the Context.

#### **LXVIII Sewers (except Main Sewers) vested in Vestries and District Boards.**

Upon the Commencement of this Act all Sewers vested in the Metropolitan Commissioners of Sewers which are situate in any Parish mentioned in Schedule (A.) to this Act (except such Sewers as are mentioned in Schedule (D.) to this Act), with the "Walls, Defences, Banks, Outlets, Sluices, Flaps, Penstocks, Gullies, Grates, Works, and Things thereunto appertaining, and the Materials thereof, with all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall become vested in the Vestry of such Parish; and all Sewers vested in the said Metropolitan Commissioners which are situate within any District mentioned in Schedule (B.) to this Act, except as before excepted, with all such Works and Things as aforesaid appertaining thereto, and all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall become vested in the Board of Works for such District; and all Sewers made and to be made within any such Parish or District, except Sewers and Works vested or to be vested in the Metropolitan Board of Works, as herein-after mentioned, shall be vested in such Vestry and Board respectively.

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**LXIX Vestries and District Boards to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.**

The Vestry of every Parish mentioned in Schedule (A.) to this Act, and the Board of Works for every District mentioned in Schedule (B.) to this Act, shall (subject to the Powers by this Act vested in the Metropolitan Board of Works) from Time to Time repair and maintain the Sewers under this Act vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made, repaired, and maintained such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining their Parish or District, and shall cause all Banks, Wharves, Docks, or Defences abutting on or adjoining any River, Stream, Canal, Pond, or Watercourse in such Parish or District to be raised, strengthened, or altered or repaired, where it may be necessary so to do, for effectually draining, or protecting from Floods or Inundation such Parish or District; and it shall be lawful for any such Vestry or District Board to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and into, through, or under any Lands whatsoever, making Compensation for any Damage done thereby as herein-after provided; and it shall be lawful for any such Vestry or District Board from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that no new Sewer shall be made without the previous Approval of the Metropolitan Board of Works: Provided also, that the Discontinuance, Closing up, Destruction, or Alteration of any Sewer as aforesaid shall be so done as not to create a Nuisance; and if by reason thereof any Person shall be deprived of the lawful Use of any covered Sewer, it shall be the Duty of the Vestry or District Board to provide some other Sewer or a Drain as effectual for his Use as the Sewer of which he is so deprived: Provided also, that where the Vestry or District Board alter any Sewer, or provide a new Sewer in substitution for a Sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private Drains communicating with the Sewer so altered, or with the Sewer so discontinued, closed up, or destroyed, or may close up or destroy such private Drains, and provide new Drains in lieu thereof, as the Circumstances of the Sewerage may appear to them to require, but so that in every Case the altered or substituted Drain shall be as effectual for the Use of the Person entitled thereto as the Drain previously used.

**LXX Power to Vestries and District Boards to do Works of Improvement in Sewers, &c, the Expense of which to be divided between the Party liable and the Parish or District.**

Wherever any Party is, by Prescription, by reason of Tenure, or otherwise, liable by Law to maintain or do any Repairs to Sewers, Banks, Watercourses, or Works in any such Parish or District which the Vestry or District Board judge it necessary to alter or improve, it shall be lawful for them to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the Parish, District, or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or

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Repairs, and to throw on the Parish, District, or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing in this Act contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

**LXXI Gullyholes, &c. to be trapped.**

Every District Board and Vestry 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 from exhaling through Gullyholes, Gratings, or other Openings of Sewers in any of the Streets or other Places within their District or Parish.

**LXXII Vestries and District Boards to cause Sewers to be cleansed, &c.**

Every Vestry and District Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary.

**LXXIII Vestry or District Board in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer. Penalty on Owner, &c. for Neglect.**

If any House or Building, whether built before or after the Commencement of this Act, situate within any such Parish or District, 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 Vestry or Board of such Parish or District, and if a Sewer of sufficient Size be within One hundred Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Vestry or Board, at their Discretion, by Notice in Writing, to require the Owner of such House or Building forthwith, or within such reasonable Time as may be appointed by the Vestry or Board, to construct and make from such House or Building into any such Sewer a covered Drain, and such Branches thereto, 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 its several Floors or Stories, and also of its Areas, Waterclosets, Privies, and Offices, (if any,) and for conveying the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide fit and proper paved or impermeable sloped Surfaces for conveying Surface Water thereto, and fit and proper Sinks, and fit and proper syphoned or otherwise trapped Inlets and Outlets for hindering Stench therefrom, and fit and proper Water Supply and Water supplying Pipes, Cisterns, and Apparatus for scouring the same, and for causing the same to convey away the Soil, and fit and proper Sand Traps, expanding Inlets, and other Apparatus for hindering the Entry of improper Substances therein, and all other such fit and proper Works and Arrangements as may appear to the Vestry or Board, or to their Officers, requisite to secure the safe and proper working of the said Drain, and to prevent the same from obstructing or otherwise injuring or impeding the Action of the Sewer to which it leads ; and it shall be lawful for the said Vestry or Board to cause the said Works to be inspected while in progress, and from Time to Time during their Execution to order such reasonable Alterations therein, Additions thereto, and Abandonment of Part or Parts thereof, as

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may to the Vestry or Board or their Officers appear, on the fuller Knowledge afforded by the opening of the Ground, requisite to secure the complete and perfect working of such Works; and if the Owner of such House or Building neglect or refuse, during Twenty-eight Days after the said Notice has been delivered to such Owner, or left at such House or Building, to begin to construct such Drain and other Works aforesaid, or any of them, or thereafter fail to carry them on and complete them with all reasonable Despatch, it shall be lawful for the Vestry or Board to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby from such Owner in the Manner herein-after provided.

#### **LXXIV Provision for combined Drainage of Blocks of Houses.**

If it appear to the Vestry or Board of any Parish or District that a Group or Block of contiguous Houses, or of adjacent detached or semi-detached Houses, may be drained and improved more economically or advantageously in combination than separately, and a Sewer of sufficient Size already exist or be about to be constructed within One hundred Feet of any Part of such Group or Block of Houses, whether contiguous, detached, or semi-detached, it shall be lawful for such Board or Vestry to order that such Group or Block of Houses be drained and improved, as herein-before provided, by a combined Operation.

#### **LXXV No House to be built without Drains constructed to the Satisfaction of the Vestry or District Board.**

It shall not be lawful to erect any House or other Building in any Parish mentioned in Schedule (A.) to this Act, or in any District mentioned in Schedule (B.) to this Act, or to rebuild any House or Building within any such Parish or District which has been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House or Building so newly built or rebuilt, unless a Drain and such Branches thereto and other connected Works and Apparatus and Water Supply as herein-before mentioned be constructed and provided to the Satisfaction of the Surveyor of the Vestry of such Parish or Board of Works for such District, of such Materials, of such Size, at such Level, and with such Fall as they may direct, so that the same shall be available for the Drainage of the lowest Floor of such House or Building, and of its several Floors or Stories, and also of its Areas, Waterclosets, Privies, and Offices (if any), which Drain shall lead from such House or Building, or the intended Site of such House or Building, to such Sewer, already made or intended to be constructed near thereto, as the Vestry or Board shall direct and appoint, or if there be no such Sewer existing or intended to be constructed within One hundred Feet of any Part of the intended Site of such House or Building, then to such covered Cesspool or other Place, not being under any Dwelling House, as the Vestry or Board shall direct; and whenever any House or Building is rebuilt as aforesaid, the Level of the lowest Floor of such House or Building shall be raised sufficiently to allow of the Construction of such a Drain and such Branches thereto and other Works and Apparatus as are herein-before required, and for that Purpose the Levels shall be taken and determined under the Direction of the Vestry or District Board.

#### **LXXVI Notice of Buildings to be given to the Vestry or District Board before commencing the same.**

Before beginning to lay or dig out the Foundation of any new House or Building within any such Parish or District, or to rebuild any House or Building therein, and

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also before making any Drain for the Purpose of draining directly or indirectly into any Sewer under the Jurisdiction of the Vestry or Board of or for any such Parish or District, Seven Days Notice in Writing shall be given to the Vestry or Board 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 will permit the Drainage of such House or Building in compliance with this Act, and as the Vestry or Board shall order, and every such Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, and with such Branches thereto and other connected Works and Apparatus and Water Supply as hereinbefore mentioned, and as the Vestry or Board shall order, and the making of every such Drain shall be under the Survey and Control of the Vestry or Board; and the Vestry or District Board shall make their Order in relation to the Matters aforesaid, and cause the same to be notified to the Person from whom such Notice was received within Seven Days after the Receipt of such Notice, and in default of such Notice, or if such House, Building, or Drain, or Branches thereto or other connected Works and Apparatus and Water Supply, be begun, erected, made, or provided in any respect contrary to any Order of the Vestry or Board made and notified as aforesaid, or the Provisions of this Act, it shall be lawful for the Vestry or Board to cause such House or Building to be demolished or altered, and to cause such Drain or Branches thereto and other connected Works and Apparatus and Water Supply to be relaid, amended, or re-made, or, in the event of Omission, added, as the Case may require, and to recover the Expenses thereof from the Owner thereof in the Manner herein-after provided.

**LXXVI Power to branch Drains into Sewers constructed by Metropolitan Board, or any Vestry or District Board under certain Regulations. Penalty.**

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 Metropolitan Board of Works or any Vestry or District Board under this Act, or authorized to be made by them under this Act, such Drain being of such a Size, and of such Conditions, and branched to such Sewer, in such a Manner and Form of Communication in all respects as the Vestry or Board shall direct or appoint; and in case any Person make or branch any Drain into any of the said Sewers so vested in the Vestry or Board, or authorized to be made by them under this Act, of a larger Size, or of different Conditions, or in a different Manner and Form of Communication than shall be directed or appointed by the Vestry or Board, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds.

**LXXVII Power to Metropolitan Board or Vestry or District Board to branch private Drains into Sewers, at the Expense of the Party to whom they belong.**

Whenever it is necessary to open any Part of the Pavement or 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 Metropolitan Board of Works, or any Vestry or District Board under this Act, or authorized to be made by them under this Act, it shall be lawful for the Vestry or Board, in case they 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 as shall be under or in any Street, and to recover the Expenses incurred thereby from the Owner of the House, Building, or Ground to which such private Drain belongs, in the Manner herein-after provided.

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**LXXIX Vestry or District Board may agree to make House Drains at the Expense of Owners or Occupiers.**

It shall be lawful for any such Vestry or Board to contract and agree with the Owners or Occupiers 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 Vestry or Board; and" the Cost Price of making, altering, or enlarging such Drains, as certified by the Surveyor of the Vestry or Board, shall be repaid by the Owner or Occupier so agreeing to the Vestry or Board, and in default of Payment the same may be recovered in the Manner herein-after provided.

**LXXX Vestry or District Board may order a Contribution towards Construction of Sewers in certain Cases.**

Where any Sewer in any of the Parishes mentioned in either of the Schedules (A.) and (B.) to this Act, into which any Drain shall be made or branched, has been built since the Third Day of *September* One thousand eight hundred and thirteen, and before the Commencement of this Act, at the Expense of any Person or Body other than any Commissioners of Sewers, the Vestry or District Board in whom such Sewer is vested may order such Sum as they may deem just to be paid and contributed by the Owner of the House to which such Drain belongs towards the Expense of the Construction of such Sewer, which Sum shall, on the Receipt thereof by such Vestry or Board, be paid over to the Person or Body aforesaid, and such Vestry or Board may, if they see fit, order and accept Payment of such Sum, with Interest after a Rate not exceeding Five Pounds for the Hundred by the Year, by Instalments within any Period not exceeding Twenty Years.

**LXXXI Penalty on erecting or rebuilding Houses without pro per Waterclosets, &c. Power to Vestry, &c. to require Owners, &c. to provide sufficient Waterclosets, &c. If Owners fail, Vestry, &c. to cause the Work to be done at their Expense.**

After the Commencement of this Act it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, within any Parish mentioned in Schedule (A.) to this Act, or any District mentioned in Schedule (B.) to this Act, without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings, and also furnished as regards the Watercloset with suitable Water Supply and Water Supply Apparatus, and with suitable trapped Soilpan and other suitable Works and Arrangements, so far as may be necessary to ensure the efficient Operation thereof; and whosoever shall offend against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any Time it appear to the Vestry or District Board of such Parish or District that any House in any such Parish or District, whether built before or after the Commencement of this Act, is without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings, and with other Apparatus and Works as aforesaid, the Vestry or District Board shall, in case the same can be provided without disturbing any Building, give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Watercloset or Privy and Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Vestry or District Board to cause to be constructed a sufficient Watercloset or Privy and Ashpit, or either of them, or do such other Works as the Case may require, and to recover the Expenses incurred by them in so doing from the Owner of such House in manner herein-after

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provided : Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Vestry or District Board a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

#### **LXXXI Power for Vestries and District Boards to authorize Inspection of Drains, Privies, and Cesspools.**

It shall be lawful for any such Vestry or Board, or for their Surveyor or Inspector, or such other Person as they appoint, to inspect any Drain, Watercloset, Privy, Cesspool, or Water Supply Apparatus, or Sinks, Traps, Syphons, Pipes, or other Works or Apparatus connected therewith, within the Parish or District of such Vestry or Board, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing has been given to the Occupier of the Premises to which such Drain, Watercloset, Privy, Cesspool, or Water Supply Apparatus, or other connected Works or Apparatus as aforesaid, is attached, or left upon the Premises, or in case of Emergency without Notice, to enter, by themselves or their Surveyor or Inspector and Workmen, upon any Premises, and cause the Ground to be opened in any Place they think fit, doing as little Damage as may be.

#### **LXXXII Penalty on Persons improperly making or altering Drains.**

In ease any Drain, Watercloset, Privy, Cesspool, or .Water Supply, or Water Supply Apparatus, or other connected Works or Apparatus, herein-before mentioned, be found, on Inspection, not to have been made or provided according to the Directions or Regulations of the Vestry or District Board, or contrary to the Provisions of this Act, or in case any Person, without the Consent of the Vestry or District Board, construct, rebuild, or unstop any Sewer, Drain, Watercloset, Privy, or Cesspool, which may have been ordered by them not to be made, or to be demolished or stopped up, or in case any Person discontinue any Water Supply, or destroy any connected Works or Apparatus as aforesaid, or in case any Person, without the Consent of the Vestry or District Board, break into any Sewer vested in such Vestry or Board, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds ; and in case the Person so making any Sewer, Drain, Watercloset, Privy, Cesspool, or other Works or Apparatus as aforesaid, contrary to the Directions or Regulations of the Vestry or Board, or contrary to the Provisions of this Act, or, without such Consent as aforesaid, constructing, rebuilding, or unstopping any Sewer, Drain, Watercloset, Privy, or Cesspool which may have been ordered to be demolished or stopped up, or discontinuing any Water Supply or destroying any connected Works or Apparatus as aforesaid, or breaking into any such Sewer as aforesaid, do not, within Fourteen Days after Notice in Writing by the Vestry or Board, cause such Sewer, Drain, Watercloset, Privy, or Cesspool to be altered or reinstated in conformity with the Directions of the Vestry or Board, or, as the Case may be, to be demolished or stopped up, or such Water Supply to be renewed, or such connected Works or Apparatus to be restored, then and in every such Case the Vestry or Board may cause the Work to be done, and the Expenses thereof shall be paid by the Person who has so offended.

#### **LXXXIII Where no Default found Expenses to be paid by Vestry or Board.**

If such Drain, Watercloset, Privy, Cesspool, or Water Supply, or Water Supply Apparatus, or other connected Works and Apparatus, be found on Inspection as aforesaid to be made to the Satisfaction of the Vestry or Board, and in proper Order

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and Condition, they shall cause the same to be reinstated and made good as soon as may be, and the Expenses of Examination, reinstating, and making good such Drain, Watercloset, Privy, Cesspool, or other Works or Apparatus as aforesaid, shall be defrayed by the Vestry or Board, and full Compensation shall be made by them for all Damages or Injuries done or occasioned by the Examination of any such Drain, Watercloset, Privy, Cesspool, or other Works or Apparatus as aforesaid.

**LXXX Vestry or District Board to cause Drains, &c. to be put into proper Condition, &c. where necessary.**

If, upon such Inspection as aforesaid, any Drain, Watercloset, Privy, or Cesspool appear to be in bad Order and Condition, or to require cleansing, Alteration, or Amendment, or to be filled up, the Vestry or Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Inspection was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with by the Person to whom it is given the Vestry or Board may, if they think fit, execute such Works, and the Expenses incurred by them in so doing shall be paid to them by the Owner or Occupier of the Premises.

**LXXX Vestry and District Board to cause offensive Ditches, Drains, &c. to be cleansed or covered. Where Works interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased.**

Every Vestry and District Board shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, which may be situate in their Parish or District; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Filth, Water, Matter, or Thing, or to do such other Works as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Vestry or Board shall execute such Works as may be necessary for the Abatement of such Nuisance, and may recover the Expenses thereby incurred from the Owner of the Premises in manner herein-after mentioned: Provided always, that it shall be lawful for such Vestry or Board, where they think it reasonable, to defray all or any Portion of such Expenses, as Expenses of Sewerage are to be defrayed under this Act: Provided also, that where any Work by any Vestry or District Board done or required to be done in pursuance of the Provisions of this Act interferes with or prejudicially affects any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby, in manner herein-after provided, or it shall be lawful for the Vestry or Board, if they think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Vestry or Board herein-after authorized shall be applicable to every such Purchase as aforesaid.



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**LXXXVIII Power to Vestries and District Boards to fill up Ditches by the Side of Roads, and substitute Pipes.**

It shall be lawful for any Vestry or District Board, where they think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe or other Drains alongside or across such Roads and Ways, with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches may, if the Vestry or Board so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

**LXXXVIII Power to Vestries and District Boards to provide public Conveniences.**

It shall be lawful for every Vestry and District Board to provide and maintain Urinals, Waterclosets, Privies, and like Conveniences, in Situations where they deem such Accommodation to be required, and to supply the same with Water, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, as Expenses of Sewerage are to be defrayed under this Act.

**LXXXIX Vestries and District Boards may transfer their Powers as to Sewerage to the Metropolitan Board of Works.**

If any Vestry or District Board desire to transfer to the Metropolitan Board of Works the Powers and Duties vested in such Vestry or District Board in relation to Sewerage and Drainage, and a Resolution for so transferring such Powers and Duties be passed by a Majority at a Meeting of such Vestry or District Board, specially convened for the Purpose of considering the Question of such Transfer, of which not less than Fourteen Days Notice shall have been given, and at which there shall be present not less than Two Thirds of the whole Number of such Vestry or Board, then such Powers and Duties, and all Sewers and Property vested in such Vestry or Board under this Act, for the Purposes of or in connexion with such Powers and Duties, shall, at the Expiration of One Month after Notice from such Vestry or Board shall have been given under their Seal to the said Metropolitan Board of such Resolution having been passed as aforesaid, become vested in the said Metropolitan Board, and the Provisions of this Act for defraying Expenses incurred by such Board in the Execution of this Act shall extend to Expenses incurred by them in the Execution of the Powers and Duties so transferred to them,

**XC All Powers relating to paving, &c. to be vested in Vestries, and in District Boards.**

All the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A.) to this Act, or any Part of such Parish, now vested in any Commissioners, or in any Body other than the Vestry of such Parish, or in any Officer of any Commissioners or other Body, and. all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or Concerns of any such Parish or Part, or of the Inhabitants thereof, (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, so far as such Duties, Powers,

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and Authorities relate thereto,) now vested under any Local Act of Parliament in any Commissioners, or in any Body other than the Vestry of such Parish, or in any such Officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Vestry of such Parish under this Act; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish included in any District mentioned in Schedule (B.) to this Act, or any Part of such Parish, now vested in any Commissioners, Vestry, or other Body, or in any Officer of any Commissioners or other Body, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or Concerns of any such Parish, or Part, or of the Inhabitants thereof (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto), now vested under any Local Act of Parliament in any Commissioners, Vestry, or other Body, or in any such Officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Board of Works for such District; and the Provisions of every such Act of Parliament as aforesaid shall be applicable to the Vestry of every Parish mentioned in the said Schedule (A.) and to every such District Board accordingly, and the Offices of all Commissioners and Persons whose Powers are determined by this; Act shall cease and be determined, and there shall be no new Appointment or Election to any such Office.

**XCI Saving as to Baths and Washhouses, Metropolitan Burials, Markets, and Charitable Trusts Acts.**

Provided always, That, save as regards the Appointment of Auditors, nothing in this Act shall divest the Vestry of any Parish, or any Commissioners or Burial Board appointed by any Vestry, of any Powers or Property vested in them respectively under the Provisions of, the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Seventy-four, or any Act amending the same, or under the Provisions of the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, or any Act amending the same, or in anywise affect the Provisions of any of the said Acts; and nothing in this Act shall extend to or affect any Rights, Privileges, Powers, or Authorities vested in any Persons in reference to any Market, or any Powers or Rights for or in relation to the Administration of any Charitable Trusts', Save that any Powers or Rights in relation to any such Trusts vested or which would have become vested in the existing Vestry of any Parish shall be vested in the Vestry of such Parish as constituted by this Act.

**XCII Expenses incurred under existing Powers relating to paving, &c. to be deemed Expenses incurred in Execution of this Act.**

Provided also, That all Expenses of paving, lighting, watering, cleansing, or improving any Parish or any Part of any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, and all other Expenses in relation to the Regulation, Government, or public Concerns of any such Parish or Part, or of the Inhabitants thereof, except only Expenses incurred in relation to the Affairs of the Church, or for the Management or Relief of the Poor, and other Expenses by Law payable out of any Poor Rate, which are not herein provided for, shall be deemed Expenses incurred in the Execution of this Act, and shall be defrayed accordingly.

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### **XCIII As to the Transfer of Property.**

All Property, Matters, and Things whatsoever vested in such Commissioners or other Body, or in any such Officer as aforesaid, under any such Act, in connexion with any such Duties or Powers as aforesaid, hereby transferred to the Vestry of any Parish or the Board of Works for any District, shall upon the Commencement of this Act be vested in such Vestry or Board ; and where any such Property, Matters, or Things are vested in any such Commissioners or Body, or Officer, acting for Parts extending beyond such Parish or District, the Metropolitan Board of Works shall by their Order declare in what Vestry or District Board they shall be vested, and may, if they see fit, apportion the same between the Vestries and District Boards within whose respective Districts and Parishes such Parts may be situate, and the same shall be vested accordingly; and any Money in the Possession of any such Commissioners or other Body, or any such Officer, which becomes vested in any such Vestry or Board under this Enactment, and the Income of any other such Property, until sold or disposed of, shall be applicable, as nearly as may be, for the like Purposes as if this Act had not been passed.

### **XCIV Existing Contracts, &c. to remain valid.**

Provided always, That all Contracts, Agreements, Bonds, Covenants, or Securities made or entered into with or in favour of or by such Commissioners or Body, or any Person in their Behalf, or any such Officer as aforesaid, before the Commencement of this Act, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed ; and no Action, Suit, Prosecution, or Proceeding commenced or carried on by or against such Commissioners or Body or any of them respectively shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect as if this Act had not been passed; and all Monies coming to such Commissioners or Body under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, and which would have been applicable by them if this Act had not been passed for the Purposes of any of the Duties or Powers hereby transferred to any Vestry or District Board, shall be paid over to such Vestry or Board, or as they may direct, and be applied for the like Purposes; and all Monies and Liabilities which such Commissioners or Body, or Officer, would have been liable to pay or discharge, under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, out of any Rates to be levied under any such Powers as aforesaid, if this Act had not been passed, and all Costs, Damages, and Expenses which such Commissioners or Body, or any of them respectively, might, if this Act had not been passed, have legally defrayed out of any such Rates, shall be paid out of Rates to be levied by such Vestry or Board as hereinafter provided.

### **XCV Existing Commissioners, &c. under Local Acts continued in Office until Commencement of this Act.**

Where, under the Provisions of any Local Act in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, or any Part of any such Parish, any Election or Appointment of any Commissioners or Persons whose Powers are determined by this Act is appointed to take place at any Time between the Time of the passing of this Act and the Time appointed for the Commencement thereof, the Commissioners or Persons now acting under such Local Act shall remain in Office, and perform and exercise all the Duties, Powers, and Authorities of such Act, until the Commencement of this Act, anything in such Local Act to the contrary notwithstanding.

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**XCVI Powers and Duties of Surveyors of Highways, and Property vested in them, transferred to Vestries and District Boards.**

Every Vestry and District Board shall, within their Parish or District (exclusively of any other Persons whatsoever), execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, and Duties, and be subject to all such Liabilities, as any Surveyor of Highways in *England* is now or may hereafter be invested with or liable to by virtue of his Office, under the Laws for the Time being in force, so far as such Powers, Authorities, Duties, and Liabilities are not inconsistent with this Act; but all Expenses which under any such Law ought to be defrayed by Highway Rates shall be defrayed by means of the Rates to be raised under this Act, and all Monies which would be applicable in aid of such Highway Rates shall be applied in aid of the said Rates to be raised under this Act, and no such Vestry or Board shall be subject to any Provisions concerning the Accounts of Surveyors of Highways, or requiring any Returns to be made to any Special Sessions ; and all Streets being Highways, and the Pavements, Stones, and other Materials thereof, and all other Things provided for the Purposes thereof by any Surveyor, of Highways, or by any Person serving the Office of Surveyor of Highways, or by any Vestry or District Board, under this Act, shall vest in and be under the Management and Control of the Vestry or District Board of the Parish, or District in which such Highways are situate.

**XCVII Provision as to Rates already made in Parishes mentioned in Schedule (A.)**

Provided always, That all Rates made previously to the Commencement of this Act for defraying the Expenses of executing any Duties, Powers, and Authorities hereby transferred to any Vestry or District Board, and all Highway Rates made previously to such Commencement, or so much of such respective Rates as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, and, subject to the Payment or Retainer thereout of any Sum or Expenses lawfully payable out of such respective Rates, shall, where such Rates are levied in a Parish mentioned in Schedule (A.) to this Act, be accounted for and paid over to the Vestry-of such Parish, and shall, where levied in any other Parish, be accounted for and paid over to the Board of Works for the District in which such Parish is comprised, and shall in every Case be applied in aid of the Rates to be raised for the like Purposes under this Act in the particular Parish or Part in which the said Rates so made previously to the Commencement of this Act are levied.

**XCVIIVestry or District Board to cause Streets to be paved.**

It shall be lawful for every Vestry and District Board from Time to Time to cause all or any of the Streets within their Parish or District, 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 such Vestry or Board 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 think proper, and to alter the Position of any Mains or Pipes in or under such Street, such Alteration to be made subject to the Approval of the Engineer of the Company to which such Mains or Pipes belong.

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

Provided always, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, is vested in the Owner of any adjoining House, the paving of

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such Court, Passage, or public Place shall be done by such Owner, if deemed expedient or necessary by the Vestry or District Board.

**C Owner of Courts to drain them, and keep the Pavement, &c. in repair. Penalty on Owners for Neglect.**

The Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, if required by the Vestry or District Board of the Parish or District in which the same is situate, to the Satisfaction of such Vestry or District Board sufficiently pave, cover the Surface of, or repair the same, and lay, at a proper Level, through, over, under, or along such Part thereof as such Vestry or Board may require, a Drain, Channel, or Gutter, and keep such Pavement or Covering, and Drain, Channel, or Gutter, in good Repair, to the Satisfaction of such Vestry or Board; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, do not sufficiently pave or cover the same as aforesaid, or do not lay down therein such Drain, Channel, or Gutter, or do not repair the same respectively, to the Satisfaction of such Vestry or Board, within Fourteen Days after Notice in Writing requiring him so to do has been given to him by such Vestry or Board, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

**CI Vaults and Cellars under Streets not to be made without the Consent of the Vestry or Board.**

No Vault, Arch, or Cellar shall be made under any Street without the Consent of the Vestry or District Board of the Parish or District in which the same is situate; and all such Vaults, Arches, and Cellars hereafter to be made within any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act shall be substantially made, and so as not to interfere or communicate with any Drain or Sewer under the Control of any Vestry or District Board, or of the Metropolitan Board of Works, without their Consents respectively first obtained; and if any Vault, Arch, or Cellar be made contrary to this Provision, it shall be lawful for the Vestry or District Board, or for the Metropolitan Board of Works, to fill up or alter the same, and the Expenses incurred thereby shall be paid by the Owner of such Vault, Arch, or Cellar.

**CII Vaults, &c. under Streets to be repaired by Owners or Occupiers.**

All Vaults, Arches, and Cellars made either before or after the Commencement of this Act under any Street in any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act, and all Openings into the same in any such Street, shall be repaired and kept in proper Order by the Owners or Occupiers of the Houses or Buildings to which the same respectively belong; and in case any such Vault, Arch, or Cellar be at any Time out of Repair, it shall be lawful for the Vestry or District Board of such Parish or District to cause the same to be repaired and put into good Order, and to recover the Expenses thereof from such Owner in the Manner herein-after provided.

**CIII Provisions as to the Occupation of underground Rooms as Dwellings.**

Any Room of a House the Surface of the Floor of which Room is more than Three Feet below the Surface of the Footway of the adjoining Street, and any Cellar, where such Room or Cellar is or has been occupied separately as a Dwelling at or before the Time of the passing of this Act, may continue to be so let or occupied if it possess the following Requisites; that is to say,

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If there be an Area not less than Three Feet wide in every Part from Six Inches below the Floor of such Room or Cellar to the Surface or Level of the Ground adjoining to the Front, Back, or external Side thereof, and extending the full Length of such Side;

If such Area, to the Extent of at least Five Feet long and Two Feet Six Inches wide, be in front of the Window of such Room or Cellar, and be open or covered only with open Iron Gratings;

If there be in every such Room or Cellar an open Fireplace, with proper Flue therefrom;

If there be a Window Opening of at least Nine Superficial Feet in Area, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half Superficial Feet must be made to open for Ventilation:

And no such Room nor any Cellar not so let or occupied as aforesaid at or before the Time of the passing of this Act shall be so let or occupied unless it possess the following Requisites : that is to say,

Unless the same be in every; Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof;

Unless the same be at least One Foot of its Height above the Surface of the Footway of the Street adjoining or nearest to the same;

Unless there be outside of and adjoining the same Room or Cellar, and extending along the entire Frontage thereof and upwards, from Six Inches below the Level of the Floor thereof up to the Surface of the said Footway, an open Area at least Three Feet wide in every Part;

Unless the same be effectually drained and secured against the Rise of Effluvia from any Sewer or Drain;

Unless there be appurtenant to such Room or Cellar the Use of a Watercloset or Privy and an Ashpit furnished with proper Doors and Coverings kept and provided according to the Provisions of this Act;

Unless the same have a Fireplace with a proper Chimney or Flue ;

Unless the same have an external glazed Window of at least Nine Superficial Feet in Area clear of the Frame, and made to open in such Manner as is approved by the Surveyor of the Metropolitan Board of Works;

Provided always, that in any Area adjoining a Room or Cellar there may be placed Steps necessary for Access to such Room or Cellar, and over or across any such Area there may be Steps necessary for Access to any Building above the Room or Cellar to which such Area adjoins, if the Steps in such respective Cases be so placed as not to be over or across any such external Window:

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any Room or Cellar contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied; and every Room or Cellar in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act; and every District Surveyor acting under the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Eighty-four, or under any Act repealing or amending the same, shall, without any Fee or Reward, report periodically, and otherwise, as the said Metropolitan Board may order, to such Board all Cases in which Rooms or Cellars are occupied contrary to this Enactment in the District of such Surveyor, and also to the respective Vestries and District Boards all such Cases

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occurring within such Parts of his District as may be within their respective Parishes and Districts ; but nothing herein contained shall be construed to disable other Persons from enforcing this Enactment, and taking Proceedings for Penalties thereunder.

**CIV Power to District Surveyors to enter underground Rooms and Cellars. If Admission refused, Justice may issue and Order.**

For the Purpose of enforcing the Enactment lastly herein-before contained, it shall be lawful for any such District Surveyor, or for any other Person, having reasonable Grounds for believing that any Room or Cellar is occupied contrary to such Enactment, to demand Admission to inspect the same at any Time between Nine o'Clock in the Morning and Six o'clock in the Evening; and if Admission be Hot granted, .any Justice having Jurisdiction in the Place where such Room or Cellar is situate may, on Oath before him of Belief that such Room or Cellar is occupied contrary to the said Enactment, by Order under his Hand authorize such District Surveyor or other Person to enter into and inspect such Room or Cellar between the Hours aforesaid.

**CV Provisions for paving new Streets.**

In ease the Owners of the Houses forming the greater Part of any new Street laid out or made or hereafter to be laid out or made, which is not paved to the Satisfaction of the Vestry or District Board of the Parish or District in which such Street is situate, be desirous of having the same paved, as herein-after mentioned, or if such Vestry or Board deem it necessary or expedient that the same should be so paved, then and ill either of such Cases such Vestry or Board shall well and sufficiently pave the same, either throughout the whole Breadth of the Carriageway and Footpaths thereof, or any Part of such Breadth, and from Time to Time keep such Pavement in good and sufficient Repair ; and the Owners of the Houses forming such Street shall, on Demand, pay to such Vestry or Board 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 Vestry or Board) ; and in case such estimated Expenses exceed the actual Expenses of such paving, then the Difference between such estimated Expenses and such actual Expenses shall be repaid by the said Vestry or Board to the Owners of Houses by whom the said Sum of Money has been paid ; and in case the said estimated Expenses be less than the actual Expenses of such paving, then the Owners of the said Houses shall, on Demand, pay to the said Vestry or Board such further Sum of Money as, together with the Sum already paid, amounts to such actual Expenses.

**CVI Vestry or Board may declare their Intention of repairing any Street, not being a Highway. Proviso.**

The Vestry or District Board of ally Parish or District may, if they think fit, by Notice in Writing put up in any Part of any Street in their Parish or District, not being a Highway, declare their Intention of repairing the same under this Act, and thereupon the same shall be from Time to Time repaired by them under the Authority of this Act: Provided always, that no Street shall be repaired as last aforesaid unless such Notice in Writing be also given to all Persons interested in such Street, or if within One Month after Notice in Writing has been put up or given as last aforesaid any Person interested in such Street, or the Person representing or entitled to represent any Person interested as aforesaid, by Notice in Writing to the Vestry or Board object thereto.

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**CVII Act not to authorize the making any Thoroughfare without the Consent of the Proprietor of the Estate.**

Nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any Bar, Gate, Rail, or other Fence fixed for preventing any Thoroughfare into or from any Square, Street, or Way, without the Consent of the Proprietor of the Estate or Property upon which such Bar, Gate, Rail, or other Fence, Square, Street, or Way shall be situate.

**CVIII Vestries and District Boards may place Fences &c. to Footways.**

It shall be lawful for every Vestry and District Board from Time to Time to place any Posts, Fences, and Rails on the Sides of any Footways or Carriageways in their Parish or District, for the Purposes of Safety, and to prevent any Carriage or Cattle 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 Posts, Rails, or Fences, or to remove the same, or any other Obstruction or Encroachment on any Carriageway or Footway.

**CIX Notice to be given by Companies to Vestries and District Boards when Pavement, &c. is required to be taken up.**

No Company or Person shall break up or open the Pavement, Surface, or Soil of any Street, the Paving whereof is under the Control and Management of the Vestry or District Board of any Parish or District, for the Purpose of making and laying down any Main of Pipes or for any other Purpose whatsoever, except in Cases of Emergency arising from Defects in Pipes or other Works, without having previously given Three clear Days Notice in Writing to such Vestry or District Board, stating in such Notice the Name of the Street and the particular Part thereof in which such Pavement, Surface, or Soil is intended to be broken up or opened, the Day on which the Work is proposed to be commenced, and the Time within which it will be completed; and in any such Case of Emergency as aforesaid such Company or Person shall, within Twelve Hours after they or he begin to break up or open such Pavement, Surface, or Soil as aforesaid, give such Notice as aforesaid to the said Vestry or District Board; and no such Pavement, Soil, or Surface shall be broken up or opened for the Purpose of laying down any new Main of Pipes for the Conveyance of Water during any Part of the Months of *December, January, and February*, without the Consent of the said Vestry or District Board; and no Gaslight Company shall at any Time break up or open any such Pavement, Surface, or Soil for the Purpose of laying down any new Mains of Pipes, without the Consent in Writing of the said Vestry or District Board; and every Company or Person offending against this Enactment shall for every such Offence forfeit a Sum not exceeding Five Pounds, and shall, within Twenty-four Hours after Notice in Writing from the Vestry or District Board, cause such Mains of Pipes to be taken up and removed, and the Pavement, Surface, or Soil to be reinstated and put into its former State: Provided always, that any Gaslight Company may break up or open any such Pavement, Surface, or Soil, for the Purpose of laying down and attaching to Mains and Pipes already existing any new Service Pipes, on giving to the said Vestry or District Board, Three Days at the least before so doing, Notice of their Intention to break up or open such Pavement, Surface, or Soil for such Purpose.



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**CX Streets not to be broken up, except under the Superintendence of Vestry or Board. Streets broken up to be reinstated without Delay.**

Whenever it is 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 Vestry or District Board of the Parish or District in which the same is situate, and in such Manner, and as regards Gas Companies at such Time, as they shall direct ; and such Company or Person shall with all convenient Speed complete the Work on account of which the same is 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 is 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 is continued open or broken up.

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

If any Company or Person authorized to break up or open any of the Pavement or Surface of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, do 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, or do not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground is 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 also a further Sum not exceeding Forty Shillings, for every Day during which such Offence continues ; and no such Pavement shall be considered to have been reinstated in a proper and substantial Manner by any such Company or other Person unless the same 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 is satisfactory to the Vestry or Board.

**CXII Vestry or District Board to direct Pavements injured by Water or Gas Pipes to be repaired by Company. Penalty for Neglect.**

In case any Part of the Pavement of any Street be sunk, broken, injured, or damaged, by reason of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water, Gas, or other Company, if shall be lawful for the Vestry or District Board of the Parish or District in which such Pavement is situate, if they deem it expedient so to do, to cause Notice to be given to the Company to whom such Pipe is supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if the Company to whom such Notice is given do not, within Forty-eight Hours next after such Notice, 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 Vestry or District Board, then such Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

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

Provided always, That in case it be discovered, after any Pavement in any Street has been taken up by any Company, and the Ground opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended does not belong to the Company to whom such Notice has been given as aforesaid, but to some other Company, then such first-mentioned Company to whom such Notice has been so given as aforesaid shall, within Forty-eight Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Company to whom such Pipe belongs, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice was given as aforesaid; and such other Company to whom such last-mentioned Notice is 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 has been first taken up, and who have opened the Ground, neglect to give the Notice hereby required to the Company to whom such Pipe actually belongs, such Company so neglecting shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

**CXIV Power to Vestry or District Board to reinstate Pavement, and charge the Expenses to the Parties.**

Provided also, That whenever the permanent Surface or Soil of any Street is broken up or opened, it shall be lawful for the Vestry or District Board of the Parish or District in which the same is situate, in case they 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 is broken up or opened ; and the 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 Vestry or Board by such Company or Person.

**CXV Power for Vestry or District Board to contract with Company for restoring Pavements.**

It shall be lawful for the Vestry or District Board of any Parish or District 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 such Parish or District, for the filling in, paving, and restoring of such Parts of the said Streets as may be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

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**CXVI As to the watering of Streets.**

Every Vestry and District Board shall have full Power and Authority to cause all or any of the Streets in their Parish or District to be watered as often as they think fit, and also to cause any Wells to be dug and sunk in such public Places as they think proper, and also to erect and fix any Pumps in any public Places, for the gratuitous Supply of Water to the Inhabitants of the Parish or District.

**CXVII Vestry or District Board to cause Footways to be cleansed.**

Every Vestry and District Board shall cause any Footway within their Parish or District to be scraped, swept, or cleansed in such Manner and at such Times as they think fit; but this Enactment shall not relieve any Occupier of any House or Building or any Company whatsoever from any Liability to scrape, sweep, or cleanse, or cause to be scraped, swept, or cleansed, any Part of any such Footway, or from any Penalty for Neglect so to do.

**CXVIII Vestries and District Boards may appoint and pay Grossing Sweepers.**

It shall be lawful for every Vestry and District Board to appoint and pay, or for Two or more Vestries and District Boards to unite, when necessary, in appointing and paying, suitable Persons to cleanse and sweep, and to keep properly cleansed and swept daily, Crossings for Passengers over the Streets and public Thoroughfares within their respective Jurisdictions, and in such Situations as the said Vestries or District Boards may from Time to Time fix and determine, which Persons so appointed shall be distinguished by their Dress or some distinctive Mark as Public Servants.

**CXIX Owners, &c. to remove future Projections, on Notice from Vestry or District Board. Penalty for Neglect.**

If 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 placed or made against or in front of any House or Building after the Commencement of this Act, shall 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 in their Parish or District, it shall be lawful for the Vestry or District Board to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same, in such Manner as the Vestry or Board 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 the Manner directed by the Vestry or Board; and if the Owner or Occupier of any such House or Building neglect or refuse, within Fourteen Days after such Notice, to remove such Projection or Obstruction, or to alter the same, in the Manner directed by the Vestry or Board, he shall forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Projection or Obstruction continues after the Expiration of such Fourteen Days from the Time when he may be convicted of any Offence contrary to the Provisions hereof.

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**CXX Vestry or District Board may remove existing Projections, and make Compensation for the same.**

It shall be lawful for every Vestry and District Board, if any Projection or Obstruction which has been placed or made against or in front of any House or Building in any such Street before the Commencement of this Act shall be an Annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the Vestry or Board 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 every Person who shall incur any Loss or Damage by such Removal, excepting in Cases where the Obstruction or Projection may now be removable under any Act, in which Case no Compensation shall be made.

**CXXI Hoards to be erected during Repairs. Penalty on not erecting Hoards.**

Every Person who shall build or begin to build, or to take down or begin to take down, any House, Building, or Wall, or alter or repair, or begin to alter or repair, the outward Part of any House, Building, or Wall, shall, in all Cases in which the Footway is thereby obstructed or rendered inconvenient, cause to be put up a proper and sufficient Hoard or Fence, with a convenient Platform and Handrail, if there 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, in such Cases as aforesaid, with such Platform and Handrail, standing and in good Condition, to the Satisfaction of the Vestry or District Board of the Parish or District in which such House, Building, or Wall is situate, during such Time as may be necessary for the Public Safety or Convenience, and shall, in all Cases in which the same is necessary to prevent Accidents, cause such Hoard or Fence to be well lighted during the Night; and every such Person who fails to put up such Hoard or Fence and such Platform, with such Handrail as aforesaid, or who does 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.

**CXXII No Hoard to be erected without Licence from Vestry or District Board.**

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 Clerk or Surveyor of the Vestry or District Board of the Parish or District in which such Street is situate; and every such Licence shall state the Place where and the Purpose for which such Hoard or Fence, Scaffold or Inclosure, is to be set up or made, and the Size thereof, and the Time for which it is to be permitted to continue.

**CXXIII If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Vestry or District Board, the same may be removed.**

If any Person 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 from the Vestry or District Board, or do any such

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Act as aforesaid in any other Manner than as permitted by such Licence, or continue the same beyond the Time stated in such Licence, or 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 Vestry or Board to cause such Hoard, Fence, Scaffold, or Inclosure 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 any such Inclosure, to be removed, and deposited in such Place as the Vestry or Board may think fit, and to be kept until the Charges of pulling down and removing the same be paid to the Vestry or Board; and in case the same be not claimed, and the said Charges paid within the Space of Eight Days next after such Seizure thereof, it shall be lawful for the Vestry or Board to order the same to be sold, and by and out of the Proceeds of such Sale to pay such Charges, rendering any Surplus to the Owner or other Person by Law entitled thereto; and in case the Proceeds of such Sale be insufficient to cover such Charges, and the Charges of selling and disposing of such Materials, Matters, and Things, the Deficiency shall be repaid by the Owner of such Materials, Matters, and Things to the Vestry or District Board, on Demand.

#### **CXXIV Providing against Accidents in laying out new Streets, &c.**

Every Person laying out or opening any new Street, or building therein, shall, during the Operations necessary for forming such new Street, or for building therein, take all such Precautions for guarding against Injury to the Passengers along such Street as may be directed by the Vestry or District Board of the Parish or District within which such Operations are being carried on ; and if any Person fail to comply with the Directions of such Vestry or District Board, within such Time as may be limited by them, such Vestry or District Board may do whatever may be necessary for carrying the same into effect, and the Expenses thereby incurred shall be repaid to such Vestry or District Board by the Person laying out or opening such new Street, or building therein, as aforesaid, and shall be recoverable by them from such Person in manner provided by this Act.

#### **CXXV Vestries and District Boards, to appoint Scavengers.**

It shall be lawful for every Vestry and District Board and they are hereby required to appoint and employ a sufficient Number of Persons, or to contract with any Company or Persons, for the sweeping and cleansing of the several Streets within their Parish or District, and for collecting and removing all Dirt, Ashes, Rubbish, Ice, Snow, and Filth, and for the cleansing out and emptying of Privies and Cesspools, Sewers and Drains, in or under Houses and Places within their Parish or District; and such Company or Persons are herein-after referred to as Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Vestry or District Board shall from Time to Time appoint, sufficiently execute and perform all such Works and Duties as they respectively are employed or contract to execute or perform; and if any such Company or Person fail in any respect properly to execute and perform such Works and Duties such Company or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

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**CXXVIPenalty for obstructing Scavengers in Performance of their Duty.**

Any Occupier of any House or Land or other Person who refuses or does not permit any Soil, Dirt, Ashes, or Filth to be taken away by the Scavengers appointed by or contracting with any Vestry or Board as aforesaid, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

**CXXVIRefuse collected to be vested in Vestry or District Board, who may dispose of the same towards defraying their Expenses.**

All Dirt, Dust, Nightsoil, Ashes, and Rubbish collected as aforesaid shall be the Property of such Vestry or Board, and such Vestry or Board shall have full Power to sell and dispose of the same for the Purposes of this Act as they shall think proper, and the Person purchasing the same shall have full Power to take, carry away, and dispose of the same for his own Use, and the Money arising from the Sale thereof shall be applied towards defraying the Expenses of the Execution of this Act, other than the Sewerage Expenses,

**CXXVIIOwners or Occupiers to pay Scavengers for Removal of Refuse of Trades.**

In case any Scavenger 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 Scavenger a reasonable Sum for such Removal, such Sum, in case of Dispute, to be settled by Two Justices.

**CXXIXDispute as to what is Refuse of Trade, &c. to be determined by Justices.**

If any Dispute or Difference of Opinion arise between the Owner or Occupier of any such House or Land and the Scavengers required to remove such Refuse as to what shall be considered as Refuse, it shall be lawful for any Two Justices, upon Application made to them by either of the Parties in difference, to determine whether the Subject Matter of Dispute is or is not Refuse of Trade, Manufacture, or Business, or of any Building Materials, and in every such Case the Decision of such Justices shall be final and conclusive.

**CXXX Vestries and District Boards to cause Streets to be lighted.**

Every Vestry and District Board shall cause the several Streets within their Parish or District to be well and sufficiently lighted, and for that Purpose shall maintain, or set up and maintain, a sufficient Number of Lamps in every such Street, and shall cause the same to be lighted with Gas or otherwise, and to continue lighted at and during such Times as such Vestry or Board may think fit, necessary, or proper; and all public Lamps, and the Lamp Posts and Lamp Irons and Fittings thereof, to be provided by any Vestry or District Board, shall vest in such Vestry or Board.

**CXXXINo Slaughter-house to be licensed under the 14th & 15th Vict. c.61 without Notice to Vestry or District Board.**

Before any Licence for the Use of any Place within any Parish mentioned in either of the Schedules (A.) and (B.) to this Act as a Slaughter-house is granted by any Quarter Sessions of the Peace under the Provisions of the Act of the Session holden in the

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Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-one, (the Metropolitan Market Act, 1851,) One Month's previous- Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence.

#### **CXXXIVestries and District Boards to appoint Medical Officers of Health.**

Every Vestry and District Board shall from Time to Time appoint One or more legally qualified Medical Practitioner or Practitioners of Skill and Experience to inspect and report periodically upon the sanitary Condition of their Parish or District, to ascertain the Existence of Diseases, more especially Epidemics, increasing the Rate 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, and to take cognizance of the Fact of the Existence of any contagious or epidemic Diseases, and to point out the most efficacious Mode of 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 Parish or District, and to perform any other Duties of a like Nature which may be required of him or them; and such Persons shall be called " Medical Officers of Health;" and it shall be lawful for the Vestry or Board to pay to every such Officer such Salary as they think fit, and also to remove any such Officer at the Pleasure of such Vestry or Board.

#### **CXXXIAppointment of Inspectors of Nuisances.**

Every Vestry and District Board shall nominate and appoint such Number of Persons to be Inspectors of Nuisances in their Parish or District as the Vestry or Board may think fit; and the Inspectors of Nuisances shall superintend and enforce the due Execution of all Duties to be performed by the Scavengers employed or contracted with under this Act, and report to the Vestry or District Board the Existence of any Nuisances; and the Vestry or Board shall require every such Inspector to provide and keep a Book in which shall be entered all Complaints made by any Inhabitant of the Parish or District of any Infringement of the Provisions of this Act, or of any Byelaws made thereunder, or of Nuisances; and every such Inspector shall forthwith inquire into the Truth or otherwise of such Complaints, and report upon the same to the Vestry or Board at their next Meeting; and such Report, and the Order of the Vestry or Board thereon, shall be entered in a Book, which shall be kept at their Office, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Parish or District; and it shall be the Duty of such Inspector, subject to the Direction of the Vestry or Board, to make Complaints before any Justices, and take legal Proceedings for the Punishment of any Person for any Offence under this Act or any such Byelaws.

#### **CXXXIVestries and District Boards to be the Local Authorities to execute the Nuisances Removal Acts.**

Every Vestry and District Board under this Act shall execute, within their respective Parish or District, all the Duties and Powers exercisable under the Nuisances Removal and Diseases Prevention Act, 1848, and the Nuisances Removal and Diseases Prevention Act, 1849, by any Commissioners or other Body, or any Officers having under any Act Powers of cleansing, and shall be the Local Authority to execute any

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Act passed or to be passed in the present Session amending or repealing the said Acts or either of them.