

No. XXXIV.

SYDNEY SEWERAGE. An Act for the better Sewerage and Cleansing the City of Sydney and portions of the Suburbs thereof. [31st October, 1853.]

Preamble.

WHEREAS the City of Sydney and the Suburbs thereof are at present greatly deficient of proper sewers and drains and other means for effectually draining and cleansing the same And whereas it is resolved that the necessary works for draining and cleansing the said City and the Suburbs thereof shall be undertaken by Commissioners to which end provision is required to be made by Legislative enactment for the appointment of proper officers with sufficient powers and for raising and regulating the expenditure of the requisite funds and for other the purposes hereinafter mentioned Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

14 Vic. No. 33
repealed.

Power to borrow
money on security of
General Revenue of
the Colony.

Expenditure to be
under control of
Legislative Council.

Receipts of Commissi-
oners to be subject
to examination in
the Council.

Commissioners to be
appointed for
executing the pur-
poses of this Act.

1. The Act of Council passed in the fourteenth year of Her present Majesty's reign for the better sewerage cleansing and draining of the City of Sydney and to promote the health of the inhabitants thereof shall be and the same is hereby repealed.

2. It shall be lawful for the Governor with the advice of the Executive Council to borrow from the Savings' Bank of New South Wales or if need be from any other body or any person or persons upon the security of the General Revenues of the Colony at a rate of interest not exceeding four per centum per annum any such sum and sums of money not exceeding in the whole the sum of two hundred thousand pounds as shall from time to time be required for carrying this Act into execution and all such sums shall be paid over to the Commissioners for the City of Sydney as the same may be required and shall be by them placed to the credit of a separate fund for defraying the cost of the sewerage of the said City and Suburbs and all such sums so borrowed shall be a charge upon the sewerage rates of the said City.

3. The entire expenditure of moneys upon the said works and otherwise in carrying out the purposes of this Act (except in respect of sums awarded by competent authority as compensation or damages for any loss or injury sustained by any person in or by the execution of this Act and the taxed costs of the action or issue in or under which such compensation shall have been awarded) shall be subject to the control of the Legislative Council and shall be regulated by Votes and Acts of the said Council in the same manner as the ordinary public expenditure of the Colony and accounts of all income and revenues whatsoever received by the said Commissioners in relation to the works to be executed under this Act and of the expenditure thereof shall be annually laid before and shall be subject to examination by the said Legislative Council in the same manner as if the same were a part of the General Revenues of the said Colony.

4. The Commissioners for the City of Sydney to be appointed by virtue of the Act passed in the present Session of Council intituled "An Act to dissolve the Corporation of the City of Sydney and for the appointment of Commissioners in lieu thereof for a limited period" shall be Commissioners for the sewerage cleansing and draining the said City and the Suburbs thereof and for carrying into effect the whole of the purposes of this Act.

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5. The said Commissioners shall as soon as conveniently may Survey of area of
be cause to be made or completed a survey of the area within the City to be made for
limits of the said City and of such portions of the Suburbs thereof as purposes of sewerage
they may think necessary to include in such survey for the purposes and drainage
of sewerage and drainage under this Act and a map or maps and maps thereof
thereof on such scale or respective scales and with such indications indicative of levels
of levels and particulars of sewers and underground works and of &c.
the surface as the said Commissioners shall think necessary or ex-
pedient for the purposes of this Act and the said Commissioners
may cause such map or maps or any part thereof to be from
time to time copied engraven and published as they may think proper
and the said Commissioners shall from time to time cause such map
or maps to be revised and such additions made thereto as may shew
the new sewers and drains and the new streets roads houses or other
alterations and the date of revision shall be expressed therein and
every such map shall be kept in the office of the said Commissioners to be kept in the
and the same or a copy thereof shall be open at all seasonable times office of the Com-
missioners.
to the inspection of the owners or occupiers of any lands or houses
within the limits of the said City or of such Suburbs thereof.

6. The said Commissioners shall and may make regulations for Power of the Com-
missioners to make
all or any of the purposes following that is to say for regulating in regulations for the
regard to drainage the plans level surface inclination and the materials purposes herein
of the pavement and roadway of public or private streets highways
roads ways footpaths lanes passages and places and the plans and
level of sites for building and for regulating the drainage of roads and
streets into their sewers for regulating the dimensions form and mode
of construction and the materials and the keeping cleansing and
repairing of the pipes drains and other means of communicating with
sewers and the traps and apparatus connected therewith for the
emptying cleansing closing and filling up of cesspools and privies and
for such other works of cleansing and of removing and disposing of
refuse as the said Commissioners are authorized to perform or require
for regulating the form of contracts with the said Commissioners and
generally for carrying into effect the purposes of this Act Provided
that all such regulations shall before the same shall be in force be laid
before the Governor and Executive Council and be by them approved
and that the same shall be laid before the Legislative Council if then
in Session within one month after the making thereof and if not then
within the first month of the next ensuing Session thereof.

7. It shall be lawful for the said Commissioners at any time Commissioners may
or times and they are hereby authorized and empowered by themselves construct sewers &c.
their agents workmen and servants subject to the provisions herein-
after contained to make and construct any sewers or drains of such
construction and in such manner as the said Commissioners shall
think necessary or proper for carrying the purposes of this Act into
execution and in a careful and workmanlike manner and subject to and for such purpose
the restriction hereafter mentioned to break up the soils pitchings and may break up soils
pavements of streets
paths lanes passages and places within the said City and Suburbs thereof &c.
and to excavate and sink trenches for the purpose of laying down making
and constructing common sewers or drains therein and to cause such
common sewers or drains to communicate with the sea or any arm
thereof or with any stream or public watercourse either within or
without the limits of the said City and the Suburbs thereof and also
from time to time to open cleanse and repair such sewers or drains or
alter the position thereof and also from time to time to make any drains
or sewers from any main sewer or drain into any dwelling-house public
or private building and premises for the purpose of cleansing and
draining any such house or other premises by means of such sewer or
drains

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and may amend and repair such sewers.

Proviso as to making good all such soils and pavements and removing all rubbish &c.

Commissioners may alter existing sewers.

Proviso as to injuries done to private sewers.

Commissioners to cause sewers vested in them to be cleansed from time to time so as not to be a nuisance or injurious to health.

Sewers vested in Commissioners.

Owners or occupiers to make communicating drains from dwellings or to public sewers when completed in any places.

drains and to do all such other acts matters and things as they shall from time to time deem necessary and proper for making amending repairing completing or improving any such sewers and drains or other works to be made done and provided for the purposes of this Act the said Commissioners their deputies surveyors engineers agents servants and workmen doing as little damage as may be in the execution of the several powers to them hereby granted and this Act shall be sufficient to indemnify the said Commissioners and their deputies surveyors engineers agents workmen and all other persons whomsoever for all acts matters or things they or any of them shall do by virtue hereof Provided always that the said Commissioners shall and they are hereby required to build and construct the said sewers in a sufficient and effectual manner for accomplishing all the purposes hereby intended and subject to the restrictions hereinafter mentioned and after laying or removing or altering or repairing any such drains or sewers shall immediately fill in the trenches or excavations and make good the ground soils pitchings and pavements of any such public or private streets highways roads ways footpaths lanes and public passages as aforesaid and other damage and remove the rubbish occasioned thereby and shall in the meantime fence or guard the place or places where any ground shall be opened in such manner as to prevent danger or accidents and agreeably in all respects to the provisions in this Act contained.

8. It shall be lawful for the said Commissioners to open the ground and to change the level or otherwise amend or enlarge any sewer or drain lying under any of the public or private streets roads highways footpaths lanes and passages within the said City and the Suburbs thereof for improving or better communicating with the main sewers or drains Provided always that no person shall by means of any such alteration amendment or enlargement be deprived of the use and enjoyment of any private sewer or drain which he shall be entitled to use but that the said Commissioners shall and they are hereby expressly required so to construct and alter any such private drain or sewer as to render the same as effectual for the purposes for which it was intended as any such drain or sewer may be at the time of such alteration.

9. The said Commissioners shall cause the sewers which shall be from time to time vested in them and all private drains and sewers 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 and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary or may cause the sewerage and refuse therefrom to be collected for sale or for any purpose whatsoever but so as not to create a nuisance.

10. All public sewers and drains now made or hereafter to be made within the said City and such Suburbs thereof as aforesaid shall be and the same are hereby vested in the said Commissioners.

11. So soon as a public sewer or any part thereof shall be completed so as to be ready for use in any public street or other place within the said City or such Suburbs thereof as aforesaid so that the same may be communicated with by drains or sewers from the houses buildings or other premises in the neighbourhood thereof or any of them the Commissioners may require the owners and occupiers of such houses buildings or other premises to make such drains or sewers from such houses buildings or other premises to communicate with such public sewer and such demand may be made by giving a notice thereof in

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in writing signed by one of the Commissioners to such owners or occupiers or by leaving the same at the said houses buildings or other premises respectively and such communicating drains or sewers shall be made according to such plans and directions as the Commissioners may think most suitable for effectually carrying off all impurities from the said houses buildings or other premises respectively and shall be so made either by such owners or occupiers or at their expense as hereinafter provided and such owners or occupiers shall also when required so to do by the said Commissioners alter such communicating drains and sewers as occasion may from time to time require.

12. The said Commissioners may in and by such notice as aforesaid require such communicating drains or sewers to be made by the said owners or occupiers within such time as they may reasonably limit in that behalf and if the same shall not be made within the prescribed time or if the same shall not be made according to such plans and directions as aforesaid it shall be lawful for the said Commissioners to make or complete or cause the same to be made or completed as occasion may require and for that purpose to excavate the ground and to make construct and lay down such drains or sewers in along or over the land or ground of any person and in such last-mentioned case the said Commissioners shall be entitled to recover from every such owner or occupier before any two Justices of the Peace the full amount of the cost and expense of making such communicating drains or sewers Provided that no proceedings shall in any case be taken for such recovery before such Justices until default shall have been made in payment of such costs and expenses for twenty days after demand made by the said Commissioners or their duly authorized agent on such owner or occupier for the payment thereof And provided also that in case such costs and charges shall be recovered from and shall be paid by a tenant occupier of any such house building or other premises he shall be entitled to be repaid by his landlord the amount so recovered and paid unless he shall be liable to pay the same under and by virtue of his lease or agreement with his landlord.

13. In every case where any such owner or occupier shall make alter or repair any drain or sewer made to communicate with any of the public sewers or drains in pursuance of this Act all and every the provisions and enactments in and by this Act contained relating to or concerning the ground soils pitchings and pavements to be opened or broken up and reinstated and making good and guarding the same and repairing other damage shall be complied with and observed by and apply to every such owner or occupier or other person in such and the like manner as is herein mentioned with respect to any drain or sewer to be made altered or repaired by the said Commissioners or their agents surveyors servants or workmen and upon default herein in any particular the said several matters shall be forthwith done and performed by the said Commissioners and such owner or occupier or other person shall on conviction thereof before two Justices of the Peace be liable to pay the charges and expenses which may be occasioned by such default together with a penalty not exceeding five pounds for every such default.

14. When and so often as any ground or any of the soils pitchings or pavements of any of the public or private streets highways roads ways footpaths lanes and passages within the said City and Suburbs thereof or of any of them or of any part thereof shall from time to time be opened or broken up by the said Commissioners or their agents surveyors workmen or servants or by any such owner or occupier as aforesaid proper and sufficient fences and protection shall immediately thereupon be made set up and continued by the said Commissioners or by any such owner or occupier as the case may be

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(and in the case of any such owner or occupier to the satisfaction of the said Commissioners) to guard the place or places where any ground soils pitchings or pavements shall have been so opened or broken up and to prevent danger or accidents and at all times during the progress of digging any trenches or excavations and making altering enlarging and repairing all or any of the drains and sewers to be made altered enlarged or repaired by virtue of this Act and of filling in such trenches or excavations or otherwise carrying on and finishing the works hereby authorized to be done in any street highway road way footpath lane or passage within the said City and Suburbs thereof every such street highway road way footpath lane or passage shall be kept and continued by the said Commissioners their agents surveyors workmen or servants or by such owner or occupier as aforesaid as the case may be as free from all obstructions and annoyances of every kind and obstructed for as short a time as practicable and in case any such owner or occupier shall refuse or neglect to make or set up and continue such sufficient fences and protection or to keep and continue any such public or private street highway road way footpath lane or passage as free from all obstructions and annoyances and obstructed for as short a time as possible then and in every such case it shall be lawful for the said Commissioners to make and set up or cause to be made and set up and continued such sufficient fences and protections and to remove or cause to be removed all such obstructions and annoyances which shall not have been necessarily occasioned or which shall have been continued longer than may have been actually necessary and the reasonable costs and charges thereof shall be paid by any such owner or occupier to the said Commissioners and in default of payment thereof for twenty days next after demand made by the said Commissioners or their duly authorized agent for the payment thereof the same together with any sum not exceeding twenty pounds by way of penalty may be recovered against such owner or occupier before any two Justices of the Peace.

and if such works have not been kept so fenced a penalty and costs may be recovered.

No private sewers to be made to communicate with the public sewers without notice under a penalty.

Proprietors of private sewers &c. to repair and cleanse the same under the direction of the Commissioners.

Penalty for non-compliance.

Limiting the rates to be paid for drains.

15. It shall not be lawful for any person without notice to the said Commissioners or otherwise than according to such plans and directions as they make and give to make or branch any private sewer or drain into any of the public sewers or drains or into any drain or sewer communicating therewith and in case any person or persons shall make or branch any private sewer or drain into any of the said public sewers or drains or into any sewer or drain communicating or to communicate therewith without such notice or otherwise than as aforesaid every person so offending shall for every such offence upon conviction thereof before any two Justices of the Peace forfeit and pay to the said Commissioners a sum not exceeding fifty pounds.

16. All sewers or drains communicating with any public sewer or drain shall from time to time be repaired and cleansed under the inspection and direction of the said Commissioners at the costs and charges of the occupiers of the houses buildings lands and premises to which the said private sewers or drains shall respectively belong and in case any person shall neglect to repair and cleanse or cause any such private sewer or drain to be repaired and cleansed according to the directions of the said Commissioners he shall forfeit and pay for every such offence upon conviction thereof before any two Justices of the Peace a sum not exceeding five pounds.

17. So soon as a public sewer or any part thereof shall have been completed so as to be ready for use in any street or other place within the said City or such Suburbs as aforesaid so that the same may be communicated with by drains and sewers from the respective houses

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houses buildings or other premises in the neighbourhood thereof or any of them the occupiers of such houses buildings and other premises respectively shall pay to the said Commissioners the following rates per annum that is to say where the value of such house building or premises or part of a house building or premises shall not exceed twenty pounds per annum at a rate per annum not exceeding seven and a half per centum on such value and where such value shall be above twenty pounds and not exceeding forty pounds per annum at a rate per annum not exceeding six per centum and where such value shall be above forty pounds and not exceeding sixty pounds per annum at a rate per annum not exceeding five and a half per centum and where such value shall be above sixty pounds and not exceeding one hundred pounds per annum at a rate per annum not exceeding five per centum and where such value shall be above one hundred pounds and not exceeding two hundred pounds per annum at a rate per annum not exceeding four per centum and where such value shall be above two hundred pounds per annum at a rate per annum not exceeding three per centum and every such rate shall be payable according to the amount at which such house building or other premises shall be assessed to the City Rate if the same shall have been so assessed but if not then according to the actual value thereof and such rate shall be due and payable in advance on and from the day when such sewer shall be so complete and ready for use and communication. Provided that it shall be lawful for the tenant of any messuage or tenement under the yearly rent of fifteen pounds per annum to deduct the amount of such rate from time to time from his rent or for the said Commissioners to make such rate upon the owner of any messuage or tenement under such yearly rent as aforesaid and to recover the same from such owner in such and the like manner as any rate or rent by this Act authorized to be made may be recovered.

Commissioners may make rates to be paid by occupiers or by owners of houses under £15 per year in certain cases.

18. Fourteen days at the least before beginning to dig or lay out the foundation of or for any new house or to rebuild any house within the limits of the said City or the Suburbs thereof the person intending so to build or rebuild shall give to the said Commissioners written notice thereof together with the level or intended levels of the cellar or lowest floor and the situation and construction of the privies cesspools and drains to be built constructed or used in connection with such house and it shall not be lawful to begin to build or rebuild any such house or to build or construct any such privy cesspool or drain until the particulars so required to be stated have been approved by the said Commissioners and they are hereby required to signify their approbation or disapprobation of the same within the space of fourteen days after receiving such notice without fee and in default of such notice or if any such house privy cesspool or drain be built rebuilt or constructed as aforesaid without such approval the offender shall be liable to a penalty not exceeding fifty pounds and the said Commissioners may if they shall think fit cause such house privy cesspool or drain to be altered or otherwise dealt with as the case may require and the expenses incurred by them in so doing shall be repaid by the offender together with the penalty aforesaid and be recoverable from him before any two such Justices as aforesaid in case such offender upon being summoned before any such Justices as aforesaid shall neglect or refuse to pay the same.

19. The said Commissioners shall and may provide and maintain in proper and convenient situations water-closets privies and other similar conveniences for public accommodation within the limits of the said City or the Suburbs thereof and defray the necessary expenses out.

Power to Commissioners to provide public water-closets privies &c.

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out of the rates to be levied under this Act or under the said recited Act.

Penalties for allowing waste water to remain in cellars &c.

20. Whosoever shall suffer any waste or stagnant water or any muck filth soil or other offensive matter to remain in any cellar or place within any dwelling-house or premises in the said City or the Suburbs thereof being populous parts for twenty-four hours after written notice to him from the said Commissioners to remove the same and whosoever allows the contents of any water-closet privy or cesspool to overflow or soak therefrom shall for every such offence be liable to a penalty not exceeding forty shillings and to a further penalty of ten shillings for every day during which the offence is continued and the said Commissioners shall remove or abate or cause to be removed or abated every such nuisance and do what shall be needful for preventing a continuation or recurrence thereof and shall have power to enter any house or premises for the purpose of ascertaining whether there be any nuisance therein or of removing or abating the same and of preventing a continuation or recurrence thereof and the expense incurred by them in carrying out the provisions of this enactment shall be repaid to them by the occupier or owner of the premises upon which the same exists and be recoverable from either of them together with the penalties aforesaid before any two such Justices as aforesaid in case such occupier or owner upon being summoned before any such Justices as aforesaid shall neglect or refuse to pay the same.

Houses to be purified on certificate of two medical practitioners.

21. If upon the certificate of any two duly qualified Medical Practitioners it appear to the said Commissioners that any house or part thereof or the premises occupied in connection therewith within the limits of the said City or the Suburbs thereof is in such a filthy or unwholesome condition that the health of any person is or may be liable to be affected or endangered thereby and that the whitewashing cleansing or purifying of any house or part thereof or the premises occupied in connection therewith would tend to prevent or check infectious or contagious disease the said Commissioners shall give notice in writing to the owner or occupier of such house or part thereof or the premises occupied in connection therewith to whitewash cleanse or purify the same as the case may require and if the person to whom notice is so given shall fail to comply therewith within such time as shall be specified in the said notice he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default and the said Commissioners shall if they shall think fit cause such house building or part thereof or the premises occupied in connection therewith to be whitewashed cleansed or purified and for such purpose shall have power to enter the same and the expense incurred by them in so doing shall be paid by the owner or occupier in default and be recoverable from such owner or occupier before any two such Justices as aforesaid in case such owner or occupier upon being summoned before any such Justices as aforesaid shall neglect or refuse to pay the same.

Justice may issue warrant authorizing officer of Commissioners &c. to enter premises and view the state and condition thereof.

22. Whenever it shall be made to appear on oath to the satisfaction of any Justice of the Peace that there is reasonable ground for believing that any house or part thereof or the premises occupied therewith as is hereinbefore mentioned within the limits of the said City or the Suburbs thereof is in a filthy or unwholesome condition it shall be lawful for the said Justice to grant a warrant under his hand authorizing any of the said Commissioners or any of their officers or any Inspector of Nuisances or Inspector of Police with such assistance as may be necessary and accompanied by such Medical Practitioners as aforesaid to enter (in the day-time) into such house or part thereof or the premises occupied therewith as aforesaid and to view the same and the state and condition thereof.

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23. Any owner or occupier of premises adjoining or near to but beyond the limits of the said City and the Suburbs thereof may cause any sewer or drain of or from such premises to communicate with any sewer made by or vested in the said Commissioners upon such terms and conditions as shall be agreed upon between such owner and occupier and the said Commissioners or in case of dispute as shall be settled by arbitration in the usual manner.

24. If at any time it appear to the Commissioners that any house within the limits of the said City and the Suburbs thereof is used or intended to be used as a factory or building in which persons of both sexes and above twenty in number are employed or intended to be employed at one time in any manufactory trade or business the said Commissioners may if they shall think fit by notice in writing to the owner or occupier of such house require him within a time to be specified in such notice to construct a sufficient number of water-closets or privies for the separate use of each sex and if he shall neglect or refuse to comply with such notice he shall be liable for each default to a penalty not exceeding twenty pounds and a further penalty not exceeding twenty shillings for every day during which the default is continued and such penalties shall be recoverable from such owner or occupier before any two such Justices as aforesaid in case such owner or occupier upon being summoned before such Justices as aforesaid shall neglect or refuse to pay the same.

25. Nothing in this Act shall be construed to render lawful any act matter or thing whatsoever which but for this Act would be deemed to be a nuisance within the limits of the said City or the Suburbs thereof nor to exempt any person from any liability prosecution or punishment to which he would have been otherwise subject in respect thereof.

26. If any house or premises shall become untenanted or where such house or premises shall be let out in apartments or to more than one tenant the owner of such house and premises shall be deemed the occupier thereof for all the purposes of and be liable to the rates costs penalties and charges by this Act authorized to be made and imposed the same to be recovered in any manner herein directed for the recovery of such rates costs penalties and charges.

27. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the said Commissioners or their managers surveyors agents servants or workmen or any of them in doing or performing any of the works or in the exercise of any of the powers and authorities in this Act authorized or contained or shall wilfully or maliciously break throw down injure damage or destroy any sewer or drain works matter or thing belonging to the said Commissioners made or to be made and provided in pursuance of this Act or for the purpose of the execution of the powers herein contained every person so offending shall for every such offence forfeit and pay any sum not exceeding ten pounds to be recovered before any two Justices of the Peace.

28. It shall be lawful for the said Commissioners to purchase by agreement or to take on lease for such term as they may think fit any land which may be necessary for the formation or protection of any works which they are authorized to execute under this Act also any offices and other buildings yards stations or places for deposit of refuse materials and things or any land for the erection and formation of such offices and other buildings yards stations or places for deposit and also to contract for the purchase removal or abatement of any obstruction to the flow of water whereby sewerage or drainage is obstructed or impeded and for the purchase of any land or any right or easement in or over any land which it may be necessary or expedient

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and to purchase streams or springs of water &c. or any land for the purpose of obtaining water sinking wells making reservoirs &c.

Power to Commissioners to sell lands &c. not wanted.

Appeal may be made to the Quarter Sessions.

Transient offender may be apprehended.

Interpretation of terms.

to purchase to prevent the obstruction of sewerage or drainage within the said City and also to purchase by agreement or take on lease as aforesaid the whole or any part of any streams or springs of water or any rights therein which it shall appear to the said Commissioners necessary to acquire and use for the purposes of cleansing sewers and drains and the other purposes of this Act or any land which it shall be deemed advisable for the said Commissioners to purchase or take on lease for the purpose of drawing or obtaining water from springs or by sinking of wells and for making and providing reservoirs tanks aqueducts watercourses and other works or for any other purpose connected with the works for obtaining such supply of water as aforesaid.

29. It shall be lawful for the said Commissioners to sell and dispose of any lands or other property vested in them by virtue of this Act or acquired by them under the powers herein contained or any part thereof which it shall appear to the said Commissioners may be properly sold and disposed of as aforesaid and for completing and carrying any such sale of lands into effect the said Commissioners may well and effectually convey the lands sold and disposed of as aforesaid unto the purchaser or as he shall direct.

30. Any person thinking himself aggrieved by any order made or given in pursuance of any rule by-law or order of the said Commissioners or by the order or determination of any Justice or Justices of the Peace in pursuance of this Act may within three calendar months after the cause of complaint shall have arisen appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden in the said City unless the said next Session shall happen within ten days after the making of such order or determination in which case such appeal shall be to the next Session thereafter the person appealing having first given at least ten days' notice of such appeal and of the nature and matter thereof to the said Commissioners and forthwith after such notice entering into a recognizance before some Justice of the Peace of the said City with two sufficient sureties conditioned to try such appeal and to abide the order and award of the said Court thereon and the said Justices upon due proof of such notice and recognizance having been given and entered into shall in a summary way hear and determine such complaint at such General or Quarter Sessions of the Peace or if they shall think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held in the said City and if they see cause may mitigate any forfeiture or fine and may order any money to be returned which shall have been levied in pursuance of such rule by-law order or determination and shall and may also award such further satisfaction to be made to the party injured or such costs to either of the parties as they shall judge reasonable and proper and all such determinations of the said Justices shall be final binding and conclusive upon all parties to all intents and purposes whatsoever.

31. And whereas persons guilty of offences against this Act may be transient persons and unknown to the officers acting under the said Commissioners Be it enacted That it shall be lawful for any officer acting under the said Commissioners with such aid as shall be necessary to seize and detain any such unknown person guilty of any offence against this Act and forthwith to convey him before any Justice of the Peace of the said City without any other warrant or authority than this Act for so doing.

32. In the construction of this Act the word "owner" shall mean the person for the time being receiving the rack rent of the messuages land or premises in connection with which the word is used whether on his own account or as agent attorney or trustee for any other person or

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or who would so receive the same if such messuages land or premises were let at a rack rent.

33. This Act may be quoted or referred to as "The Sydney Title of Act. Sewerage Act of 1853" and shall be construed as if the same had formed part of and had been incorporated with the Act passed in the present Session "*To dissolve the Corporation of the City of Sydney and to appoint Commissioners in lieu thereof for a limited period.*"
