

## **Report of the Bye-Laws Committee, 9th February, 1849.**

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London (England). Metropolitan Commission of Sewers.  
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### **Publication/Creation**

[London] : [publisher not identified], [1849]

### **Persistent URL**

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## Metropolitan Commission of Sewers.

*Report of the Bye-Laws Committee, 9th February, 1849.*

The Bye-Laws Committee, in pursuance of the Order of Court of February 1, 1849, "That the suggestions " by Messrs Bullar and Chadwick, as to the course " to be taken on the opening of the Commission, and " Mr Hume's observations thereon, be referred to " the Bye-Laws Committee for their consideration " and report ;"—UNANIMOUSLY RECOMMEND the following Report to the Court.

This committee have considered the suggestions and notes expressly referred to them.

In order to enable them to ascertain the bearings of those suggestions and notes, they have also considered,

1st. A printed copy of the laws, ordinances, and constitutions of the late Westminster Commission, confirmed April 5, 1839, to which Mr Hertslet has had copies of subsequent orders of court added in manuscript, for the use of this committee.

2ndly. The standing orders of April 27, 1838, of the Holborn and Finsbury division, and—

3rdly. The provisions of the act 11 and 12 Victoria, c. 112, relating to the appointment and powers of committees, the business and proceedings at courts and of committees, and the appointment, removal, duties, conduct, and remuneration of officers and servants of the commissioners.

In consequence of the recommendations contained in the first Report of the Metropolitan Sanitary Commission having led to the passing of the Act, and the issuing of the present commission, they have also considered—

4thly. The summary of conclusions (pages 47 to 52) at the end of that Report.

They have also availed themselves of explanations by some of their members who were members of the late commissions, and by the order-clerk, as to the course of procedure under those commissions.

This committee have in the first place to remark that the Act of the last session has, by introducing the practice of working by committees subordinate to the court, rendered the constitution of the present commission somewhat different from that of an ordinary commission of sewers deriving its authority from the general acts relating to sewers.

It appears necessary to bear in mind this alteration of the constitution of the commission, when regulations for insuring its effectual and harmonious working are under consideration.

Some of the chief points which this committee have kept in view have been the following:—

1st. To adhere closely to the letter and spirit of the Act interpreted as a remedial measure.

2nd. To reconcile dispatch of business with due responsibility.

3rd. To afford facilities for the performance of the ordinary business of the commission by committees, and at the same time to define their spheres of action by proper limits.

4th. To free the court and the commissioners, as a body, from the necessity of wasting time on the consideration of matters of mere detail, or of preliminary investigation, and yet to afford to every commissioner the opportunity of making himself acquainted with the whole or any part of the proceedings of the commission.

5th. To place adequate checks on the expenditure of money and the incurring of liabilities.

This committee, recognising the propriety of Mr Hume's advice, that "no encouragement should be given to alter the bye-laws when once carefully prepared and agreed to," and being of opinion that further consideration and experience of the working of the commission will be needed before any system of bye-laws can be prudently determined on, UNANIMOUSLY RECOMMEND to the court to pass, for the present, as regulations for the guidance of the commissioners and their officers and servants, rather than as bye-laws, resolutions to the following effect:—

#### AS TO THE BUSINESS AND PROCEEDINGS AT COURTS OF SEWERS.

1. At the opening of every court there should be laid on the table the printed minutes of the preceding courts, and the papers (if any) printed subsequently to the holding of the last preceding court, and the minute books, order books, and report books of the general committee and the other committees (including sub-committees).

2. The first business at every court should be the ordering of payments; the next, the considering of the recommendations and reports (if any) of the general committee; the next, the considering of the recommendations and reports (if any) of the other committees; and the next, the considering of the other reports (if any) presented to the court.

3. It should be competent to any three or more commissioners, by requisition in writing, to require the whole or any part of the minutes of the general committee or of any other committee or sub-committee, to be read to the court, before any decision is come to by the court on any recommendation or report, or (with the consent of the court) after such decision ; in which last case it should be competent to the court to reconsider the decision.

4. It should be competent to the court, in any case of emergency, to take any business out of its regular order.

5. It should be competent to any one or more of the commissioners to protest against any proceeding of any court, so as notice of the intention to make such protest be given at that court, and the protest, with the reasons for the same, be delivered to the order-clerk at that court, or be left for him at the principal office before four o'clock in the afternoon of the following day.

6. Every protest so delivered should be entered on the minutes of the court to the proceedings of which it relates ; but any protest not so delivered should not be entered on the minutes without the sanction of the next court.

AS TO THE APPOINTMENT OF COMMITTEES.

7. The appointment (already made, provisionally, by the court) of a general committee, consisting of all the commissioners, should be confirmed.

8. The appointment (already made, provisionally, by the court) of three standing committees, one for Finance, another for Works, and the third for Bye-laws, each to consist of not less than six commissioners, should be confirmed.

9. *N.B.—It does not appear to be necessary to come to any decision at present as to the appointment of special committees or sub-committees, or to interfere with the appointment already made by the court of sub-committees of the works' committee.*

AS TO THE POWERS OF COMMITTEES.

10. The General Committee should (so far as is consistent with the provisions of the Act 11 and 12 Victoria, c. 112, and the bye-laws, orders, and resolutions of the court for the time being in force) have full power of regulating and managing all the business and affairs of the commission, and full control over all the officers and servants of the commissioners, and authority to adopt, amend, send back for reconsideration, and reject the recommendations and reports of the other committees.

11. The Finance Committee should have under their immediate regulation and management (but subject to the general committee) all the financial affairs of the commission, and also the immediate control over the clerk of accounts, collectors, and other officers and servants of the commissioners employed about any such finan-

cial affairs, and should be empowered (but subject to the approval of the court) to employ an accountant when necessary.

12. The Works' Committee should have under their immediate regulation and management (but subject to the general committee) all the affairs of the commission relating to the works and operations of the commission, and also the immediate control over the engineers, surveyors, assistant surveyors, and other officers and servants of the commissioners employed about such works and operations, and should be empowered to obtain plans, sections, and estimates for all proposed works and operations, and to employ (but subject to the approval of the court) such clerks of the works and other subordinate officers and workmen as may be necessary.

13. The Bye-laws Committee should have under their immediate regulation and management (but subject to the general committee) all the legal and technical affairs of the commission, and should be empowered to obtain legal assistance in all cases of difficulty.

14. The Special Committees and Sub-Committees should have such powers and duties as may from time to time be prescribed by the court.

15. The Works' Committee should be authorized to sanction or approve, without previous reference to the court or the general committee, the execution, on the certificate and responsibility as to its propriety of the surveyor, of any work of draining or cleansing required for immediate relief; so as such work be executed in accordance with the principles and practice theretofore sanctioned by the court, and do not involve the adoption of any new principle or practice, and do not require the expenditure by the commission of more than a given amount (to be determined by the court), and so as the certificate for, and the sanctioning of such work, and, subsequently, the execution and cost thereof, be duly reported to the court.

#### AS TO THE BUSINESS AND PROCEEDINGS OF THE GENERAL COMMITTEE.

16. At the sitting of the general committee, there should be laid on the table the printed minutes of the preceding courts, and the papers (if any) printed subsequently to the last preceding meeting of that committee, and the minute books, order books, and report books of the general committee and the other committees (including sub-committees).

17. The first business at every meeting of the general committee should be the reading of the minutes of the last preceding meeting of that committee, the next; the considering of the recommendations and reports (if any) of the other committees; and the next, the considering of the other reports (if any) presented to the general committee.

18. It should be competent to any three or more commissioners, by requisition in writing, to require the whole or any part of the minutes of any other committee or sub-committee to be read to the general committee, before any decision is come to

by that committee on any recommendation or report, or (with the consent of the general committee) after such decision, in which last case it should be competent to that committee to re-consider the decision.

19. It should be competent to the general committee, in any case of emergency, to take any business out of its regular order.

20. It should be competent to any one or more of the commissioners to protest against any proceeding of the general committee, so as notice of the intention to make such protest be given at the committee-meeting, and the protest, with the reasons for the same, be delivered to the order-clerk at that meeting, or be left for him at the principal office before four o'clock in the afternoon of the following day.

21. Every protest so delivered should be entered on the minutes of the meeting to the proceedings of which it relates; but any protest not so delivered should not be entered on the minutes without the sanction of the next meeting.

22. Except in cases of urgency, to be allowed by the court on the requisition in writing of three or more commissioners, and except also in accordance with any previous order or resolution of the court, every recommendation to the court should be brought before the general committee before it is brought before the court; and any recommendation or report to the court should not be brought before the court until it has been adopted by and made (within the meaning of the statute 11 and 12 Victoria, c. 112, s. 21) "the Act" of the general committee.

23. Every recommendation of any increase of salary, or of any retiring pension or allowance, or of any special remuneration to any salaried officer, should lie on the table of the general committee for one calendar month before it is taken into consideration; and special notice of it should be given in the notice for the meeting at which it is to be taken into consideration.

24. The general committee should refer to the other committees such points within their respective provinces, first mooted in the general committee, as may appear to call for special investigation.

25. The general committee should from time to time report to the court as to whatever may be required for the business of the commission.

**AS TO THE BUSINESS AND PROCEEDINGS OF THE STANDING COMMITTEES, AND OF SPECIAL COMMITTEES AND SUB-COMMITTEES.**

26. The first business at every meeting of every standing committee, special committee, and sub-committee, should be the reading of the minutes of the last preceding meeting of that committee.

27. There should be power for members of such committees to protest against the proceedings, as in the case of the general committee.

28. It should be competent to any one or more of the commissioners to protest against any proceeding of the general committee: so as notice of the intention to

make such protest be given at the committee-meeting, and the protest, with the reasons for the same, be delivered to the order-clerk at that meeting, or be left for him at the principal office before four o'clock in the afternoon of the following day.

29. Every protest so delivered should be entered on the minutes of the meeting to the proceedings of which it relates; but any protest not so delivered should not be entered on the minutes without the sanction of the next meeting.

30. Every committee should have power (subject to the limitation of the court) to print papers and send them to the commissioners.

31. Except in cases of urgency, to be allowed by the general committee, or by the respective standing committee, every recommendation and report by a sub-committee should be submitted to the standing committee, of which it is a sub-committee before being brought before the general committee.

32. Any matter falling within the province of any standing committee special committee, or sub-committee, should be referable, in the first instance, by any other committee or by the order-clerk, to that committee, without being previously brought under the notice of the court or of the general committee.

33. Every standing committee should report, from time to time, to the general committee as to the services which such standing committee will require for the performance of the duties under its supervision.

34. Every standing committee should be authorised to obtain, in cases of emergency, such services as it may require for the performance of the duties under its supervision, reporting thereon to the next meeting of the general committee; but such services should not be continued after such meeting without the sanction of the general committee.

35. Every commissioner, not being a member of a committee, should be at liberty to attend all its meetings, not taking part in the discussions or voting thereat.

#### AS TO CLERKS FOR COMMITTEES, AND THE BOOKS AND PAPERS OF COMMITTEES.

36. The order-clerk should be the clerk of every committee, and he should attend the general committee, and, when practicable, each of the standing committees, as its clerk; giving preference to the Works' committee.

37. One of the officers on the establishment should be appointed, as aid to the order-clerk, to attend each of the committees and sub-committees as its acting clerk.

38. The clerk of accounts, as aid to the order-clerk, should always attend the Finance committee as its acting clerk, whether the order-clerk be present or absent.

39. It should be a duty of every acting committee-clerk to bring under the notice of the committee which he attends, every instance of the proceedings of such committee being irregular in point of form, or exceeding the authority conferred on it by the Court.

40. Every acting committee-clerk should be responsible for the regularity of all the papers and books of the committee to which he is attached.

41. The acting committee-clerks should give to the order-clerk notice in writing of all orders made by the committees and sub-committees which they have attended, and should, without delay, deliver to him the minutes and papers of such committees.

42. The order-clerk should bring all orders of the court and of any committee under the notice of the proper officers, and should report to the court or the committee (as the case may be) all instances of non-compliance with the orders.

43. The general committee, and every standing committee, special committee and sub-committee should have its separate minute book, order book, and report book.

44. All minute books, order books, and report books should be open to the inspection of every commissioner, at all times, at the principal office.

45. All motions, amendments, proposals, and protests in committees, and all orders and reports of committees, should be entered by the acting committee-clerks in the proper books, under their proper dates.

46. All the paragraphs in the committee books should be numbered in regular progression.

47. All orders and reports should be referred to by numbers and dates in the minutes, and every report presented should commence with a reference to its number and date.

48. All orders should be entered on the left-hand pages of the order book, and minutes of compliance with the orders should be entered, with the dates, on the corresponding right-hand pages.

49. All requisitions, motions, amendments, and other proposals submitted by any of the commissioners to the court or to any committee, and all protests, should be in writing, and be signed by the commissioners making them.

50. All draft reports, reports, and other papers presented by individual commissioners and officers, should be signed by their authors or proposers, and their names should be given on all copies thereof.

51. Every report by a committee should be signed by its chairman, or, in case of its not being adopted unanimously, should be signed by such of the members of the committee as approve it.

AS TO THE OFFICERS.

52. Every officer employed out of doors should keep a diary, setting forth the places where, and the particular works or description of works, or the services on which he is engaged every day.

53. The consulting engineer should be instructed to prepare forthwith forms for such diaries.

54. The diary of every officer should be laid weekly before the committee under whose supervision he is more especially employed.



55. When any paper is referred to any officer, his name, and the dates of the reference to him, and of the return from him, should be noted thereon.

56. A table of all the existing officers and servants of the commissioners, showing their duties and their salaries, wages, or remuneration, should be forthwith drawn up by the clerk of accounts, and printed, and should be corrected by him half-yearly to the 5th of January and the 5th of July; and a copy of every such table should, within seven days after those dates, respectively, be posted in the court, and sent to the commissioners.

*N.B.—Some of the laws, ordinances, and constitutions of the late Westminster Commission above referred to, provide, in considerable detail, for the specific duties to be performed by officers; and it might be advisable that they should be specially reported on by each of the standing committees, so far as they relate to the duties to be performed under the supervision of such committee. Considering the greatly-increased amount of work which will have to be performed under the present commission, it might be found very important for the despatch of business to define speedily the powers and responsibilities of the superior officers. A report on this subject from the superior officers might be of much use as a preliminary proceeding.*

57. Every officer and servant of the commissioners should be liable at any time to be required by the court, by the general committee, by any standing committee, or (in writing) by any of the commissioners, to show his warrant for any act done or sanctioned, or any order given by him.

This committee abstain from offering any definite suggestions for resolutions of the court on several important points which have come under their consideration; because some of those points appear to require further investigation, and others may involve the adoption of principles of extensive application, or may depend on questions of expediency which cannot prudently be determined in the present state of the business of the commission; but, having regard to the probable course and exigencies of its business, and the necessity of enabling the commissioners to obtain information bearing on those points, they submit for the consideration of the court the propriety of making the following references.

#### AS TO REFERENCES TO THE STANDING COMMITTEES TO BE FORTHWITH MADE BY THE COURT.

58. The following matters should be referred to the FINANCE COMMITTEE:—

59. To have a table drawn up of all the rates now in force, showing the amounts collected, uncollected, and probably recoverable, and to report thereon.

60. To have a table drawn up of all the unsatisfied debts and liabilities, under

contracts or otherwise, of all the old districts and sub-divisions, showing the existing gross charge and the yearly charge on each, and to report thereon.

61. To consider and report as to the appropriation of the uncollected rates recoverable from any district or sub-division in satisfaction of its proper debts and liabilities.

62. To consider and report as to levying any special rate on any district or sub-division, or borrowing any money for the satisfaction of any balance of such debts and liabilities.

63. To consider and report generally as to the course to be taken for the satisfying of all outstanding debts and liabilities.

64. To draw up a form for a periodical statement or balance-sheet of the receipts, credits, payments and liabilities of the commission, and to report thereon.

65. To consider and report whether such periodical report should be made half-yearly or quarterly.

66. To consider and report as to the best mode for insuring economy in writing, printing, stationery, postages, and other office expenses.

67. To consider and report as to scales for piece-work for ordinary matters.

68. To consider and report generally as to entrusting officers with money, and the securities to be taken from them.

69. To consider and report as to regulations for retiring pensions and allowances to officers and servants of the commissioners, in cases of superannuation, becoming disabled in the service, or otherwise. The government regulations should be considered.

70. To consider and report as to the numbers and amounts of the salaries, wages, or remuneration of the officers and servants on the establishment; and as to the propriety of any increase, decrease, or modification of such numbers or amounts, or of the mode of remunerating officers or servants.

71. To consider and report as to the mode to be adopted, which, consistently with the due despatch of business, will be the best for submitting to the finance committee estimates for proposed works before their execution is determined on.

72. To consider and report, from time to time, generally, as to ways and means for the commission.

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73. The following matters should be referred to the WORKS' COMMITTEE:—

74. To consider and report fully, without delay, on the past and present state of the ordnance survey, with accounts of expenditure, liabilities, officers and servants employed, and other particulars; and with an estimate of what the remaining work will require of money and of time.

75. To consider and report as to the scale on which the ordnance map is to be executed, and as to the details to be introduced thereon.

76. To consider and report as to giving notice to parishes, public bodies, and

rate-payers generally, by advertisement or otherwise, that an opportunity is afforded of inserting in the map details which may be of service to them ; and offering facilities for their insertion ; and inviting communications from them on the subject.

77. To consider and report, at the earliest practicable period, as to the formation of separate sewerage districts.

78. To consider and report as to providing public conveniences, and obtaining land for the purpose.

79. To consider and report as to the course to be taken with respect to street cleansing.

80. To consider and report as to providing, in the best and most economical manner, pipes and other materials for works.

81. To consider and report as to the principles and plans to be adopted with reference to house drainage.

82. To consider and report as to the principles and plans to be adopted with reference to suburban and land drainage.

83. To consider and report as to the adoption by the commission, as a principle to govern its works of sewerage, that sullage from houses shall not be discharged into the Thames within the limits of the commission.

84. To consider and report as to scales for piece-work for ordinary matters.

85. To consider and report as to the numbers and amounts of the salaries, wages, or remuneration of the officers and servants on the establishment ; and as to the propriety of any increase, decrease, or modification of such numbers or amounts, or of the mode of remunerating officers or servants.

86. To consider and report as to the mode to be adopted, which, consistently with the due despatch of business, will be the best for submitting to the finance committee estimates for proposed works before their execution is determined on.

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87. The following matters should be referred to the BYE-LAWS COMMITTEE.

88. To consider and report as to the course to be taken with reference to section 47 of the Act 11 and 12 Vict., c. 112.

89. To consider and report as to the forms for notices, by advertisements or circulars, of sections 37, 47, 55, and 56.

90. This committee have to state, in conclusion, that they have not taken into consideration the orders of the court made since November 1847, understanding that those orders have been passed without reference to any general system of bye-laws or regulations ; but they submit to the court that it would be proper—

91. To order that all former regulations and instructions to officers by any of the former commissions be, so far as they are inconsistent with such resolutions as the court adopts in accordance with the preceding recommendations, repealed.

(Signed) JOHN BULLAR,

February 9, 1849.

Chairman.