ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 144.

An Act for amending, enlarging, and extending the Powers of an Act paſſed in the laſt Seſſion of Parliament, relating to the Execution of the Commiſſion of Sewers for the Limits from *Eaſt Moulſey* in *Surrey* to *Ravenſborne* in *Kent*. [2d *June* 1810.]

WHEREAS an Act paſſed in the laſt Seſſion of Parliament, intituled *An Act for making new Sewers and Drains, and amending the preſent Sewers and Drains, within certain Diſtricts under the Juriſdiction of the Commiſſioners of Sewers for the Limits extending from* Eaſt Moulſey *in* Surrey *to* Ravenſborne *in* Kent, *and for other Purpoſes relating to the Execution of the Commiſſion of Sewers for the ſaid Limits:* And whereas, in putting the ſaid Act into Execution, it will be neceſſary to make new Sewers and Drains within the Diſtricts therein mentioned, in and through the Pariſhes of *Saint Mary Lambeth* and *Saint George the Martyr* in the County of *Surrey*, to communicate with the preſent Sewers and Drains in the Pariſhes of *Chriſtchurch*, *Saint Saviour Southwark*, *Saint Olave Southwark*, and *Saint Thomas Southwark*, in the ſame County, in order to convey the Waters thereof into the River *Thames*, and for that Purpoſe alſo to alter, enlarge, and amend the ſaid Sewers and Drains in the ſaid ſeveral Pariſhes: And whereas the making, enlarging, and amending ſuch Sewers and Drains will not be ſo beneficial to the Lands and Tenements in the ſaid Diſtricts within the Pariſhes of *Chriſtchurch*, *Saint Saviour*, *Saint Olave*, and *Saint Thomas*, as to the Lands and Tenements in the ſaid Diſtricts

tricts within the Parishes of *Saint Mary Lambeth* and *Saint George the Martyr*; and it is therefore expedient and equitable that the Charges and Expences thereof should be defrayed and borne by the said Districts in several Moieties, Parts, or Proportions: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners of Sewers shall and they are hereby directed and required, from and immediately after the passing this Act, to keep separate and distinct Accounts of the Sums raised for, and of the Costs and Charges paid, expended, or incurred for, by, or towards the making of every or any new Sewer or Drain within the Parishes of *Saint Mary Lambeth* and *Saint George the Martyr*, or either of them, and which shall be continued into or which shall communicate with any of the Sewers or Drains within the Parishes of *Christchurch*, *Saint Saviour*, *Saint Olave*, and *Saint Thomas* aforesaid, or any of them; and of making, widening, deepening, embanking, altering, arching over, and removing any and every present or new Sewer, Drain, Reservoir, Engine, Sluice, Penstock, Encroachment, Bridge, Nuisance, Impediment, and Annoyance in the said Districts within the said Parishes of *Christchurch*, *Saint Saviour*, *Saint Olave*, and *Saint Thomas*, for the Purpose of conveying the Water from the said Sewers or Drains so to be made in the Parishes of *Saint Mary Lambeth* and *Saint George the Martyr Southwark* into the River *Thames*.

Commissioners of Sewers to keep separate Accounts of Charges of making new Sewers in Lambeth and St. George Southwark.

II. And be it further enacted, That Two Parts in Five of the said Costs and Charges, the whole into Five equal Parts to be divided, shall be assessed upon and paid and borne by all and every Person and Persons who do or shall inhabit or occupy any Land, House, Building, Tenement, or Hereditament within the said Districts situate in the said Parish of *Saint Mary Lambeth*; Two other Parts in Five of the said Costs and Charges shall be assessed upon and paid and borne by all and every Person and Persons who do or shall inhabit or occupy any Land, House, Building, Tenement, or Hereditament within the said Districts situate in the Parish of *Saint George the Martyr Southwark*; and the remaining One Part in Five of the said Costs and Charges shall be paid and borne by and assessed upon all and every Person and Persons who do or shall inhabit or occupy any Land, House, Building, Tenement, or Hereditament within the said Districts situate in the Parishes of *Christchurch*, *Saint Saviour Southwark*, *Saint Olave Southwark*, and *Saint Thomas Southwark*; any Thing in the said recited Act contained to the contrary notwithstanding.

Expences of new Sewers in Lambeth and St. George to be paid by Parishes in Proportions.

III. And be it enacted, That all and every Rate hereby directed to be made and assessed, and all Sums due thereon, shall be raised, assessed, levied, and recovered in the Manner, and by, with, and under the Powers and Provisions mentioned and specified in the said recited Act for raising, assessing, levying, and recovering the Monies thereby authorized to be raised, assessed, levied, and recovered; and that all such Rates and Assessments shall and may be made and imposed for the Purpose of paying and bearing such Costs and Charges, either before or after the same shall have been incurred, as the said Commissioners at any Court or Courts of Sewers shall in their Discretion decree to be meet and expedient.

Rates to be made according to the Directions of the former Act.

The other Works authorized by the former Act to be done as therein mentioned.

IV. And be it further enacted, That the ſeveral Works authorized to be done and performed in and by the above-recited Act (other than the Works herein-before mentioned) ſhall be done and performed, and the Coſts and Charges to be incurred in and about the ſame ſhall be paid and defrayed, and the Rates and Aſſeſſments thereby authorized to be made by the ſaid Commiſſioners of Sewers, other than the Rates herein-before mentioned, ſhall be raiſed, aſſeſſed, levied, and recovered upon and from the ſeveral Perſons within the ſaid Diſtricts and the Borders and Confines thereof, in the Manner, and by, with, and under the Powers and Proviſions contained in the ſaid recited Act; any Thing in this Act to the contrary notwithſtanding.

Powers of the former Act extended to other Diſtricts under the Juriſdiction of the Commiſſioners.

V. And whereas the extending the Powers and Proviſions of the above-recited Act to other Diſtricts under the Juriſdiction of the ſaid Commiſſioners of Sewers; that is to ſay, to the Diſtricts of *Green Bank Mill Stream*, *Saint John of Jeruſalem Sluice*, *Whitewall Sluice*, *Saliſbury Lane Sluice*, *Duffield Sluice*, *Princes Street Sluice*, *Limekiln Sluice*, *Globe Sluice*, *Wood Sluice*, *Earl Sluice*, *Church Marſh Sluice*, *Vauxhall Creek*, *Heathwall Sluice*, and *Gutter Ditch Sluice*, ſituate in the ſeveral Pariſhes of *Saint Olave Southwark*, *Saint John Southwark*, *Saint Mary Magdalen Bermondſey*, *Saint Mary Rotherhithe*, *Saint Giles Camberwell*, *Saint Mary Newington*, and *Saint Mary Lambeth*, in the County of *Surrey*, and of *Clapham* and *Batterſea* in the ſame County, and in the Pariſh of *Saint Nicholas Deptford*, in the County of *Kent*, and in the Pariſh of *Saint Paul Deptford*, in the Counties of *Surrey* and *Kent*, will be beneficial to the Lands and Tenements within the ſaid Diſtricts, and the Borders and Confines thereof, and will alſo tend to the Health and Comfort of the ſeveral Inhabitants therein; be it therefore further enacted, That the Commiſſioners of Sewers for the Limits aforeſaid for the Time being ſhall from and after the paſſing of this Act have Power and Authority from Time to Time, as they ſhall ſee Occaſion, to widen, deepen, embank, alter, arch over, ſtop up, remove, amend, cleanſe, and ſcour all and every or any of the Sewers, Drains, Watercourſes, Sinks, Vaults, Privies, Encroachments, Bridges, Penſtocks, Nuiſances, Impediments, and Annoyances within the ſaid ſeveral Diſtricts, and the Borders and Confines thereof; and alſo to form, make, and lay out new Sewers, Drains, Watercourſes, Sinks, Vaults, or Privies in, under, or acroſs all or any of the Streets, Lanes, Paſſages, and Public Ways made or to be made within any of the ſaid Diſtricts, or the Borders or Confines thereof; and alſo under and ſubject to the Regulations mentioned in the before-recited Act, in, under or through any Lands or Tenements in the ſaid Diſtricts, or in the Borders or Confines thereof, and to make, conſtruct, and perform Reſervoirs, Engines, Sluices, Penſtocks, or any other Work or Works, for the better draining the ſaid Diſtricts and Places; and all and every ſuch Sewers, Drains, Watercourſes, Sinks, Vaults and Privies, Reſervoirs, Engines, Sluices, Penſtocks and other Works, ſhall at all Times be ſubject to the Control, Order, Direction, Preſervation, and Management of the Commiſſioners of Sewers for the ſaid Limits for the Time being, and of their Surveyors and Officers, as to them the ſaid Commiſſioners ſhall ſeem meet; and the Charges and Expences thereof ſhall be paid out of the Rates and Aſſeſſments to be made by virtue of this Act, as herein-after is mentioned and provided.

Power to make Rates.

VI. And to the end that as well the Charges and Expences attending the Performance of the ſeveral Works to be done by the ſaid Commiſſioners

ſioners of Sewers within the ſaid ſeveral Diſtricts laſt herein-before mentioned, as alſo the Coſts and Charges now or hereafter to be incurred in or about the Execution of the Commiſſion of Sewers, ſo far as reſpects the ſaid Diſtricts, may be provided for; be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers for the Time being, and they are hereby required, at any Court or Seſſions of Sewers, from Time to Time, as often as there ſhall be Occaſion, to make a general equal Pound Rate or Aſſeſſment upon all and every Perſon or Perſons who do or ſhall inhabit or occupy any Land, Houſe, Building, Tenement, or Hereditament whatſoever within the ſaid ſeveral Diſtricts, and the Borders and Confines thereof, according to the yearly Value of each and every ſuch Land, Houſe, Building, Tenement, or Hereditament: Provided nevertheleſs, that ſuch Rate may be made in One or more Part or Parts, at One or more Time or Times, as the ſaid Commiſſioners may deem fit and convenient; ſo that the Lands and Tenements be aſſeſſed in due Order and Regularity, and in fair Proportion; and the ſaid Commiſſioners of Sewers are hereby authorized and directed, out of the Monies to ariſe by the ſaid Rates or Aſſeſſments, to pay and defray the Charges and Expences of all Works to be done or performed in the ſaid Diſtricts, as alſo all Coſts and Charges of repairing, amending, new-making, removing, and reforming the ſeveral Sluices and Grates within the ſaid Diſtricts, together with the proportionable Part or Parts of the ſaid Diſtricts, in and towards the general Charges and Expences attending the Execution of the Commiſſion of Sewers for the ſaid Limits.

The Expences of new Sewers to be paid by Lands benefited.

VII. Provided always, and be it further enacted, That in caſe at any Time hereafter any new Sewer or Drain ſhall be made, or any preſent Sewer or Drain ſhall be widened, altered, arched, or amended by the ſaid Commiſſioners under the Authority of this and the herein-before recited Act (except ſuch Sewers and Drains as are herein-before mentioned as neceſſary to be made in the ſaid Pariſhes of *Saint Mary Lambeth* and *Saint George the Martyr Southwark*); and it ſhall appear in the Judgment and Diſcretion of the ſaid Commiſſioners that the ſame ſhall be ſo made, widened, altered, arched, or amended for the Benefit and Advantage of particular Lands and Tenements, then it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers, and they are hereby required, to aſſeſs and charge the Coſts and Expences thereof, and of every Reſervoir, Engine, Sluice, or Penſtock, and other Work or Works to be made and performed in conſequence thereof, upon the Lands and Tenements only which ſhall or may in the Judgment and Diſcretion of the ſaid Commiſſioners be benefited and advantaged thereby; and ſuch Coſts and Expences to aſſeſs and levy upon, and recover and receive of and from the Occupiers of the ſaid Lands and Tenements by ſuch Rate and Rates, in ſuch and the ſame Manner as other Coſts and Charges are herein-before or in the ſaid recited Act directed to be aſſeſſed, levied, recovered, and received.

In the Proportion benefited.

VIII. Provided alſo, That in caſe the ſaid Commiſſioners ſhall in their Judgment and Diſcretion be of opinion that the ſaid Lands and Tenements ſhall or may be unequally benefited and advantaged by ſuch new Sewers or Drains, or the widening, altering, arching, or amending of any preſent Sewer or Drain, then it ſhall and may be lawful to and for the ſaid Commiſſioners to aſſeſs and levy and recover, and

and receive the ſaid Coſts and Charges upon and of and from the Occupiers of ſuch Lands and Tenements, in ſuch Parts and Proportions, and in ſuch Manner and Form, and according as the ſaid Commiſſioners ſhall adjudge and determine the ſaid Lands and Tenements ſhall or may be benefited or advantaged by the Works for which the ſaid Coſts and Charges ſhall or may be incurred.

Perſons aggrieved may appeal.

IX. Provided alſo, and it is hereby enacted and declared, That in caſe any Perſon or Perſons ſhall find himſelf, herſelf, or themſelves aggrieved by the Judgment of the ſaid Commiſſioners, as to the Lands and Tenements ſo to be benefited by the making of any ſuch new Sewer or Drain, or by the widening, altering, arching, or amending of any preſent Sewer or Drain, it ſhall and may be lawful to and for ſuch Perſon or Perſons to appeal to the ſaid Commiſſioners at any Court or Seſſion of Sewers againſt ſuch Judgment, firſt giving unto the Clerk to the ſaid Commiſſioners, Eight Days previous to the holding of ſuch Court or Seſſions, Notice in Writing, ſpecifying the Cauſe of ſuch Grievance, and the Grounds and Reaſons for ſuch Appeal; and the ſaid Commiſſioners at the ſaid Court or Seſſions, or at any ſubſequent Court or Seſſions, ſhall and they are hereby required to hear the Subject-matter of ſuch Appeal, and to make ſuch Order or Adjudication thereon, either by diſcharging the Party or Parties appealing from the Rate or Aſſeſſment made or to be made for the Payment of the ſaid Coſts and Charges, or by leſſening the Aſſeſſment on the ſaid Party or Parties, or by inſerting more or other Lands and Tenements therein, or by altering or new-making the ſame, or otherwiſe as to them the ſaid Commiſſioners ſhall ſeem juſt and equitable to be done in the Premiſes, or to diſmiſs the ſaid Appeal.

All the Clauſes of former Acts extended to this.

X. And be it further enacted, That all and every the Powers, Clauſes, Directions, Authorities, Exemptions, Proviſions, Penalties, Matters, and Things in the before-mentioned Act paſſed in the laſt Seſſion of Parliament, not hereby repealed, varied, or altered, ſhall be as good, valid, and effectual, and ſhall be applied and enforced for all the Purpoſes of this Act; and for the making and cleanſing of any private Drains within all and every of the ſaid Diſtricts in this Act mentioned, or the Borders or Confines thereof; and for veſting in the ſaid Commiſſioners of Sewers the Property of all and every the Sewers and public Drains or Vaults therein, and the Stones, Bricks, Wood, Timber, Materials, and Things heretofore or at any Time after the paſſing of this Act uſed or purchaſed by or by the Order of the ſaid Commiſſioners of Sewers, or of their Surveyor or Surveyors; and for the proſecuting any Perſon or Perſons who ſhall ſteal, take, or carry away the ſame, or for bringing any Action or Actions, Suit or Suits, for the Recovery thereof, or for making a Satisfaction in Damages for the ſame, and alſo for aſſeſſing, collecting, levying, diſtraining or recovering, amending, compounding, or regulating the Rates and Aſſeſſments to be made by virtue of this Act, as herein-before laſt mentioned, as if the ſame Powers, Clauſes, Directions, Authorities, Exemptions, Proviſions, Penalties, Matters, and Things were herein inſerted and enacted.

Clauſe in former Act relating to Turnpike

XI. And whereas it is by the ſaid recited Act provided, that whenever it ſhall be found neceſſary by the ſaid Commiſſioners of Sewers, their Surveyor or Surveyors, Agents or Workmen, to open the Ground in,

Roads repealed.

in, under, or acroſs any Part of the Roads and public Highways under the Care, Management, and Direction of the Truſtees for putting in Execution an Act paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act for making, widening, and keeping in Repair certain Roads in the ſeveral Pariſhes of* Lambeth, Newington, Saint George Southwark, Bermondſey, *and* Chriſt Church, *in the County of* Surrey, *and for watching and lighting the ſaid Roads*; and alſo another Act paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for enlarging the Powers of an Act of the Twenty-ſixth Year of His preſent Majeſty, for making and keeping in Repair certain Roads in the Pariſhes of* Lambeth, Newington, Saint George Southwark, Bermondſey, *and* Chriſt Church, *in the County of* Surrey, *and for watching and lighting the ſaid Roads;* and alſo an Act paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for repealing an Act paſſed in the Twenty-fifth Year of the Reign of His preſent Majeſty King* George *the Third, for more effectually repairing the Roads leading from the* Stones End *in* Blackman Street, *in the Borough of* Southwark, *in the County of* Surrey, *to* Highgate *in the County of* Suſſex, *and ſeveral other Roads therein mentioned, and for granting other Powers for thoſe Purpoſes*; for the Purpoſe of widening, deepening, embanking, altering, arching over, removing, amending, cleanſing, and ſcouring all and every or any of the Sewers, Drains, Watercourſes, Sinks, Vaults, Privies, Encroachments, Bridges, Penſtocks, Nuiſances, Impediments, and Annoyances, or for forming, making, or laying out new Sewers, Drains, Watercourſes, Sinks, Vaults, or Privies, the ſame ſhall be opened, and the Ground filled and rammed in, and the ſaid Roads and public Ways reinſtated and placed in the ſame or as good State and Condition by the ſaid Commiſſioners of Sewers, their Surveyor or Surveyors, Agents or Workmen, as they were at the Time of their being ſo opened as aforeſaid, as expeditiouſly as the Circumſtances will admit of, to the Satisfaction of the ſaid reſpective Truſtees, or of their reſpective Treaſurers for the Time being, at the Expence of the ſaid Commiſſioners of Sewers, upon pain of forfeiting Fifty Pounds for every Time the ſame ſhall not be ſo reinſtated and placed in ſuch Condition as aforeſaid, over and above the Coſts and Expences of repairing, reinſtating, and making good the ſame; which Penalty ſhall be recoverable, together with full Coſts of Suit, of and from the ſaid Commiſſioners of Sewers, their Treaſurer, Clerk, or Agent, in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall be applied towards amending and repairing the ſaid reſpective Roads; and in the meantime ſuch Surveyor or Surveyors, Agents or Workmen, ſo opening the Ground, ſhall forthwith ſecure the reſpective Parts thereof in ſuch Manner as to prevent any Damage or Inconvenience happening to Paſſengers, Cattle, or Carriages; and in default thereof the ſaid Commiſſioners of Sewers, their Treaſurer, Clerk, or Agent for the Time being, ſhall forfeit any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, for every Hour that the Ground ſhall not be ſecured in Manner aforeſaid; which ſaid laſt-mentioned Penalty ſhall be at the Diſcretion of and recovered before any One Juſtice of the Peace for the ſaid County of *Surrey*, and ſhall be applied in Manner aforeſaid: Now it is hereby enacted, That the ſaid Proviſion and Enactment, and every Part thereof, ſhall be and the ſame is hereby repealed.

Turnpike Roads to be dug up and Openings secured by the Trustees at the Expence of the Commission of Sewers;

XII. And be it enacted, That whensoever it shall be deemed necessary by the said Commissioners of Sewers, or their Surveyor or Surveyors, to dig into, open, or break up any Part of the Roads and public Highways under the Care, Management, and Direction of the Trustees for putting into Execution the said several herein-before-mentioned Acts passed in the Twenty-sixth, Forty-second, and Forty-seventh Years of the Reign of His present Majesty, or any other Turnpike Roads or Highways under the Care, Management, and Direction of any Trustees for putting into Execution any other Act or Acts of Parliament relating to such Roads or public Highways, for the Purpose of widening, deepening, embanking, altering, arching over, removing, amending, cleansing, and scouring any Sewer, Drain, Watercourse, Sink, Vault, Privy, Encroachment, Bridge, Penstock, Nuisance, Impediment, and Annoyance; or for forming, making, or laying out any new Sewer, Drain, Watercourse, Sink, Vault, or Privy, under or by virtue of the said recited Act passed in the last Session of Parliament, or of this present Act;

Notice of Opening having been first given by Commissioners of Sewers to the Trustees.

Notice thereof in Writing, signed by the Clerk or the Surveyor or Surveyors to the said Commissioners of Sewers, shall be given unto the Treasurer or Treasurers, Clerk or Clerks of or to the Trustees of the said Roads or Highways respectively, or left at his or their or any of their usual Dwelling House or Dwelling Houses, or last Place or Places of Abode; and from and after the Space of Seven Days next after such Notice shall be given or left as aforesaid, or sooner with the Consent in Writing of the Treasurer or Treasurers of the said respective Roads or Highways, it shall and may be lawful to and for the said Commissioners of Sewers, or their Surveyor or Surveyors, or any of them, at the Costs and Charges of the said Commissioners of Sewers, to cause the Part or Parts of the said Roads or Highways in the said Notice specified and defined, to be dug into, opened, or broken up, as the Case may require; and the said Commissioners of Sewers, or their Surveyor or Surveyors, shall and they are hereby required, at the like Costs and Charges of the said Commissioners of Sewers, forthwith to secure with Posts and Rails such Part or Parts of the said Roads and Highways so to be dug into, opened, or broken up, in such Manner as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages.

Turnpike Roads to be reinstated by the Trustees at the Expence of the Commission of Sewers.

XIII. And beit further enacted, That from and immediately after the widening, deepening, embanking, altering, arching over, removing, amending, cleansing, and scouring any Sewer, Drain, Watercourse, Sink, Vault, Privy, Encroachment, Bridge, Penstock, Nuisance, Impediment, or Annoyance, or the forming, making, or laying out any new Sewer, Drain, Watercourse, Sink, Vault, or Privy, any and every Part and Parts of any of the said Roads or Highways so to be dug into, opened, or broken up for the Purpose thereof, shall be filled in and rammed down with the same or other good and sound Materials, and the Surplus Ground, Dirt, and Rubbish removed and carried away, as expeditiously as the Circumstances will admit, by Workmen employed by and at the Costs and Charges of the said Commissioners of Sewers; but the same shall from Time to Time be put into good, sound, and perfect State and Condition by the Trustees of the said respective Roads and Highways at the Expence of the said Commissioners of Sewers.

XIV. And

Expence of reinſtating Roads to be recovered by Action againſt the Commiſſion of Sewers.

XIV. And be it further enacted, That it ſhall and may be lawful to and for the Truſtees of the ſaid Roads, and they are hereby required, to give Notice in Writing, ſigned by any Five or more of them, or their reſpective Treaſurer or Treaſurers, to the ſaid Commiſſioners of Sewers, or to the Expenditor-General or Clerk to the ſaid Commiſſion of Sewers, of the Sum or Sums of Money from Time to Time paid or expended for the making good the State and Condition of the Part or Parts of the ſaid Roads or Highways ſo to be dug into, opened, or broken up, to which Notice ſhall be annexed the Particulars of ſuch Coſts and Expences; and in caſe of the Delay of Payment, or of the Non-payment thereof, by the ſaid Commiſſioners of Sewers, to the Treaſurer of the ſaid Truſtees, for the Space of One Calendar Month next after the Delivery of ſuch Notice, then it ſhall and may be lawful for any Five or more of the ſaid Truſtees, and they are hereby authorized and empowered, from Time to Time to bring any Action or Actions at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, in their Names, or in the Name of their Treaſurer or Treaſurers for the Time being, againſt the Expenditor-General to the ſaid Commiſſioners of Sewers for the Time being, and to recover in any ſuch Action or Actions all and every ſuch Sum and Sums of Money as ſhall have been from Time to Time fairly and *bonâ fide* expended for the Purpoſes aforeſaid, together with full Coſts of Suit, in which Action or Actions no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed: But it is hereby provided and enacted, that it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers, previous to any ſuch Action being brought, to tender unto the Treaſurer or Treaſurers of the ſaid Roads or Highways, or any of them, or, after ſuch Action or Actions ſhall be brought, to pay into the Court in which ſuch Action or Actions ſhall be brought, ſuch Sum or Sums of Money as the ſaid Commiſſioners may think juſt and reaſonable to be a Satisfaction for the Coſts and Charges to be incurred by the ſaid Truſtees as aforeſaid; and if it ſhall appear that ſufficient Satisfaction was tendered previous to the bringing ſuch Action or Actions, or that a ſufficient Sum was paid into the Court in which ſuch Action or Actions ſhall be brought as aforeſaid, then the Jury ſhall find a Verdict for no more than ſuch Sum or Sums of Money ſo tendered or paid into Court; and the Defendant or Defendants ſhall thereupon be entitled to recover full Coſts of Suit, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants is or are entitled to or may have for his, her, or their Coſts in other Caſes.

Highways to be dug up and reinſtated by the Commiſſion of Sewers.

XV. And be it further enacted, That whenſoever it ſhall be neceſſary to dig into, open, or break up any Part of any Road or Highway not under the Care, Management, or Direction of Truſtees appointed by or in virtue of any Act of Parliament, for the Purpoſe of widening, deepening, embanking, altering, arching, removing, amending, cleanſing, and ſcouring any Sewer, Drain, Watercourſe, Sink, Vault, Privy, Encroachment, Bridge, Penſtock, Nuiſance, Impediment, or Annoyance, or for forming, making, or laying out any new Sewer, Drain, Watercourſe, Sink, Vault, or Privy, under or by virtue of the ſaid recited Act paſſed in the laſt Seſſion of Parliament, or of this preſent Act, the ſame ſhall be dug into, opened, or broken up, and the ſame reinſtated, placed, and made in as good State and Condition by the ſaid Commiſſioners of Sewers, their Surveyor or Surveyors, Agents or Workmen, as they were

were at the Time of their being ſo dug into, opened, or broken up, as expeditiouſly as the Circumſtances will admit of, at the Expence of the ſaid Commiſſion of Sewers; and in the meantime ſuch Surveyor or Surveyors, Agents or Workmen, ſo digging into, opening, or breaking up ſuch Road or Roads, ſhall and are hereby required forthwith to ſecure the ſame in ſuch Manner as to prevent any Damage or Inconvenience happening to Paſſengers, Cattle, or Carriages.

Clauſe in former Act for raiſing Fifteen thouſand Pounds extended to Sixty thouſand Pounds.

XVI. And whereas by the above-recited Act it is enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to advance and pay into the Hands of the Expenditor-General to the ſaid Commiſſion, by Order of the ſaid Commiſſioners, for the Uſes and Purpoſes of the ſaid Act, any Sum or Sums of Money, not exceeding in the whole the Sum of Fifteen thouſand Pounds, by Way of Loan or Mortgage, at Intereſt, or for the abſolute Purchaſe of One or more Annuity or Annuities, to be payable during the Term of the natural Life of ſuch Contributor or Contributors reſpectively, or the natural Life of ſuch other Perſon or Perſons as ſhall be nominated by ſuch Contributor or Contributors: And whereas it is expedient that the ſaid Sum of Fifteen thouſand Pounds in the ſaid Clauſe mentioned ſhould be increaſed to the Sum of Sixty thouſand Pounds; be it therefore enacted, That it ſhall and may be lawful to and for any Perſon or Perſons to contribute, advance, and pay into the Hands of the Expenditor-General to the ſaid Commiſſioners, by Order of the ſaid Commiſſioners, for defraying the Coſts and Charges of making new Sewers or Drains in the ſaid Pariſhes of *Saint Mary Lambeth* and *Saint George the Martyr Southwark*, or altering or amending any of the preſent Sewers or Drains within the ſaid Pariſhes of *Chriſtchurch*, *Saint Saviour Southwark*, *Saint Olave Southwark*, and *Saint Thomas Southwark*, for the Purpoſe of communicating with the ſaid Sewers or Drains in the ſaid Pariſhes of *Saint Mary Lambeth* and *Saint George the Martyr*, or of making of any and every new Sluice, Reſervoir, Engine, or Penſtock, or altering or amending any and every preſent Sluice, Reſervoir, Engine, or Penſtock, for better draining the Lands and Tenements in the ſaid Pariſhes of *Lambeth* and *Saint George*, any Sum or Sums of Money, not exceeding in the whole the Sum of Sixty thouſand Pounds, by Way of Loan or Mortgage, at Intereſt, or for the abſolute Purchaſe of One or more Annuity or Annuities, to be paid and payable during the Term of the natural Life or Lives of ſuch Contributor or Contributors reſpectively, or of the Survivors or Survivor of them, or during the Term of the natural Life or Lives of ſuch other Perſon or Perſons as ſhall be nominated by ſuch Contributor or Contributors reſpectively, or of the Survivors or Survivor of them.

Money borrowed to be charged on Rates.

XVII. And be it further enacted, That the Payment of all and every the Sum or Sums of Money to be lent as aforeſaid, or the Annuity or Annuities ſo to be purchaſed, ſhall be charged and chargeable upon and paid and payable out of the Rates or Aſſeſſments to be made by virtue of this Act, and ſhall be paid and borne by, and from Time to Time aſſeſſed and raiſed upon the ſeveral Perſon and Perſons, in the Parts and Proportions, Manner and Form, as the ſaid Coſts and Charges of the making new Sewers and Drains in the ſaid Pariſhes of *Saint Mary Lambeth* and *Saint George the Martyr*, which ſhall connect or communicate

municate with the Sewers and Drains in the ſaid Pariſhes of *Chriſtchurch*, *Saint Saviour*, *Saint Olave*, and *Saint Thomas*, are herein-before directed to be paid and borne by and aſſeſſed upon.

Clauſes in former Act relating to the borrowing of Money extended to this.

XVIII. And be it further enacted, That the ſeveral Clauſes, Proviſions, Matters, and Things in the ſaid recited Act contained, which in anywiſe relate to or concern the Sum or Sums of Money to be lent, or the Annuity or Annuities to be purchaſed, under or by virtue of the ſame, ſhall be and the ſame are hereby extended to and ſhall be applied and enforced for the raiſing and paying the Sum or Sums of Money to be lent, or the Annuity or Annuities to be purchaſed, under or by virtue of this Act, as fully and effectually as if the ſame were herein inſerted.

Power of Truſtees of Roads and Commiſſioners of Paving not to be abridged.

XIX. And be it further enacted, That nothing in this Act or in the ſaid recited Act paſſed in the laſt Seſſion of Parliament contained ſhall extend or be conſtrued to extend to abridge, alter, or diminiſh any of the Powers, Authorities, and Proviſions given to or veſted in the Truſtees of any Turnpike Roads or Highways within the Diſtricts aforeſaid, or given to or veſted in any Commiſſioners for the paving, cleanſing, lighting, or watching any of the Streets, Lanes, Alleys, Paſſages, and Places within the Diſtricts aforeſaid, or any of them, or any Part thereof.

Expence of this Act to be paid out of Rates.

XX. And be it further enacted, That the Expences in and about procuring and paſſing this Act ſhall be defrayed out of the Monies to be raiſed by virtue of this or the before-recited Act.

Limitation of Actions.

XXI. And be it further enacted by the Authority aforeſaid, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of or in relation to this or the before-recited Act, or under the Authority of the ſaid Commiſſioners of Sewers, until the Expiration of One Calendar Month next after Notice in Writing, ſpecifying the particular Complaint or Cauſe of Action, ſhall have been given to the Clerk to the ſaid Commiſſioners of Sewers, nor after ſufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be brought, laid, and tried in the County of *Surrey*, and not in any other County or Place, and the Defendant or Defendants in ſuch Action or Suit, and every of them, may plead the General Iſſue, and give this or the ſaid recited Act and the ſpecial Matter in Evidence, on each and every Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by the Authority of this or the before-recited Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall appear that ſuch Action or Actions, Suit or Suits, ſhall be brought before the Expiration of One Calendar Month next after Notice thereof given as aforeſaid, or ſhall not be commenced within the Time hereby limited, or ſhall be laid in any other County or Place than as aforeſaid, or that ſufficient Satisfaction was made or tendered previous to the bringing of the ſame, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if any Verdict or Verdicts ſhall be found for ſuch

Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance thereof, or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgment shall be given for the Defendant or Defendants therein, then and in every of the Cases aforesaid such Defendant or Defendants shall be entitled to Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants is entitled to or may have for his, her, or their Costs in other Cases.

XXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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