ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

****

Cap. 79.

An Act for amending, enlarging, and extending the Powers of Two several Acts passed in the Forty-ninth and Fiftieth Years of His present Majesty, relating to the Execution of the Commission of Sewers for the Limits extending from *East Mouldsey* in *Surrey* to *Ravensborne* in *Kent*.

[21st *May* 1813.]

WHEREAS by an Act of Parliament made and passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for making new Sewers and Drains, and amending the* 49G.3.c.144. *present Sewers and Drains, within certain Districts under the Jurisdiction of the Commissioners of Sewers for the Limits extending from* East Mouldsey *in* Surrey *to* Ravensborne *in* Kent, *and for other Purposes relating to the Execution of the Commission of Sewers for the said Limits;* it is enacted, among other Things, that the Commissioners of Sewers for the Limits aforesaid, for the Time being, shall, from and after the passing the said Act, have Power and Authority from Time to Time, as they shall see Occasion, to widen, deepen, embank, alter, arch over, 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 several Districts of *Archbishop Sluice, Arnold Sluice, Dover Sluice, Pudding Mill Stream, Boar's Head Sluice,*

Black Lion Sluice, *Bear Sluice*, *Bridge Houſe Sluice*, and *Battle Bridge Mill Stream*, and the Borders and Confines thereof; and 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 therein-after mentioned, in, under, or through any Lands or Tenements in the ſaid Diſtricts, or in the Borders and 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 Controul, 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 in purſuance and by virtue of the ſaid Act: And it is by the ſaid Act alſo enacted, that it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers for the Time being, and they are thereby 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 and Perſons who do or ſhall inhabit, hold, or occupy any Land, Houſe, Building, Tenement, or Hereditament whatſoever, within the ſeveral Diſtricts of *Archbiſhop Sluice*, *Arnold Sluice*, *Dover Sluice*, *Pudding Mill Stream*, *Boar's Head Sluice*, *Black Lion Sluice*, *Bear Sluice*, *Bridge Houſe Sluice*, and *Battle Bridge Mill Stream*, and the Borders and Confines thereof, according to the yearly Value of each and every ſuch Land, Houſe, Building, Tenement, or Hereditament, ſo that the ſame ſhall not in any one Year exceed the Sum of One Shilling and Sixpence in the Pound of ſuch yearly Value: 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 thereby authorized and directed, out of the Monies to ariſe by the ſaid Rates and Aſſeſſments, to pay and defray the Charges and Expences of all Works to be done or performed in purſuance of the ſaid Act, as alſo all Coſts and Charges of repairing, amending, new making, cleanſing, and reforming the ſeveral Sluices, Sewers, Grates, and Drains 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: And whereas by an Act of Parliament paſſed in the Fiftieth Year
50 G. 3. c. 183. of the Reign of His preſent Majeſty, intituled *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 Mouldſey *in* Surrey *to* Ravenſborne *in* Kent; after reciting that 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*, *St. 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 *St. Olave Southwark*, *St. John Southwark*, *St. Mary Magdalen Bermondſey*, *St. Mary Rotherhithe*, *St. Giles Camberwell*, *St. Mary Newington*, and *St. Mary Lambeth*, in the County of *Surrey*, and of *Clapham* and *Batterſea*, in the ſame County; and in the Pariſh of *St. Nicholas Deptford*, in the County of *Kent*, and in the Pariſh of *St. 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 alſo tend to the Health and Comfort of the ſeveral Inhabitants therein; it is therefore further enacted, that the Commiſſioners of Sewers for the Limits aforeſaid for the Time being ſhall, from and after the paſſing of the ſaid 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 and 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 Controul, Order, Direction, Preſervation, and Management of the Commiſſioners of Sewers for the ſaid Limits for the Time being, and of the 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 the ſaid Act, as therein-after is mentioned and provided: And it is alſo enacted, that it ſhall and may be lawful to and for the ſaid Commiſſioners of Sewers for the Time being, and they are thereby 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 thereby 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, and 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: And

whereas

whereas the Commiſſioners of Sewers for the Time being have proceeded to put into Execution the ſaid Acts; and it would be conducive to the more ſpeedy Attainment of the Objects thereof if the Commiſſioners were empowered to borrow, on the Security of the Rates thereby authorized to be made, Monies at Intereſt, or by way of Annuity; and if the Proviſions and Authorities given by the ſaid Acts were enlarged and amended: 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 it ſhall and may be lawful to and for any Body Politic, Corporate, or Collegiate, and they are hereby authorized, enabled, and empowered, out of any Fund or Funds to them belonging and appertaining, and not otherwiſe ſpecifically directed to be lent or laid out at Uſe or Intereſt by the Terms of the Grant, Charter, or Donation under which the ſame are received or receivable, and for any other Perſon or Perſons to contribute, advance, and pay into the Hands of the Expenditor General for the Time being to the ſaid Commiſſioners of Sewers, by Order of the ſaid Commiſſioners of Sewers, towards the Charges and Expences of any Works authorized to be done and performed by the ſaid recited Acts, or either of them, any Sum or Sums of Money not exceeding in the Whole the Sum of Forty thouſand Pounds, by way of Loan or Mortgage, at Intereſt, or for the Purchaſe of One or more Annuity or Annuities, to be paid and payable during the Term of the natural Life or Lives of the Perſon or Perſons contributing, lending, or paying ſuch Sum or Sums of Money, or of any Perſon or Perſons to be nominated by ſuch Body Politic, Corporate, or Collegiate, or by ſuch other Perſon or Perſons ſo contributing, advancing, or paying the ſaid Monies, or of the Survivor or Survivors of ſuch Perſons ſo to be nominated; ſo as no ſuch Annuity do exceed the Rate of Eleven Pounds for every One hundred Pounds advanced on the Life of any Perſon under the Age of Fifty Years; or the Rate of Thirteen Pounds for every One hundred Pounds advanced on the Life of any Perſon of the Age of Fifty Years and under the Age of Sixty Years; or the Rate of Seventeen Pounds for every One hundred Pounds advanced on the Life of any Perſon of the Age of Sixty Years and under the Age of Seventy Years; or the Rate of Twenty-one Pounds for every One hundred Pounds advanced on the Life of any Perſon of the Age of Seventy or more Years.

Commiſſioners empowered to borrow Monies.

Repayment of Monies to be ſecured on Rates.

II. And be it further enacted, That the Payment of all and every ſuch 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 the ſaid Commiſſioners of Sewers by virtue of the ſaid ſeveral before recited Acts, or either of them, or by virtue of any and every Commiſſion of Sewers now or hereafter to be iſſued for the Limits before mentioned, or any Law or Statute relating thereto.

Order on Expenditor General for Payment to be given by Commiſſioners.

III. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Perſon ſo advancing any Sum of Money, ſhall have an Order, Grant, or Certificate on Parchment, under the Hands and Seals of Six or more of the ſaid Commiſſioners of Sewers, for Payment by the Expenditor General to the ſaid Commiſſioners for the Time being, out

out of any Monies to arise by the Rates or Assessments to be made as aforesaid, of the Sum or Sums of Monies so lent, with Interest for the same, or of the Annuity or Annuities so purchased; and the Expenditor General for the Time being to the said Commissioners is hereby authorized and required to pay and discharge, out of any Monies coming to his Hands by virtue of such Rate or Rates, the said Monies so lent, with the Interest thereof, or the said Annuity or Annuities, according to the Directions or Stipulations contained in such Order, Grant, or Certificate, without further Warrant in that Behalf.

In case of Repayment, or Death of Annuitant, other Sums of Money may be borrowed.

IV. Provided always, and be it enacted, That when and so often as any Sum or Sums of Money so to be borrowed shall be paid off and discharged, or when and so often as any Person on whose Life any such Annuity shall be granted shall die, it shall and may be lawful to and for the same or any other Body Politic, Corporate, or Collegiate, or the same, or any other Person, to contribute, advance, and pay, in Manner aforesaid, for the Uses and Purposes aforesaid, any Sum or Sums of Money at Interest, not exceeding the Sum or Sums so paid off and discharged, or any Sum or Sums of Money not exceeding the Sum or Sums paid for the Annuity or Annuities on the Life or Lives of the Party or Parties so dying, for the Purchase of One or more Annuity or Annuities on the Life or Lives of the Contributor or Contributors, or any Person or Persons to be named by him, her, or them, and so *toties quoties*: Provided nevertheless, that the Sum or Sums of Money owing from original or subsequent Advances, shall not at any one Time exceed in the Whole the Amount of Forty thousand Pounds.

Monies lent, or Annuities granted, made assignable.

V. And be it further enacted, That it shall and may be lawful to and for every Person advancing any Money by way of Loan as aforesaid, his, her, or their Executors, Administrators, or Assigns, and to and for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, and their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand and Seal or Hands and Seals, to assign such Money so lent, and such Annuity or Annuities, or any Part thereof, and their Right, Title, and Interest therein, to any Person or Persons whatsoever, and so *toties quoties*.

Annuities to be valid without Inrolment.

VI. And be it further enacted, That every such Order, Grant, or Certificate for Payment of any such Annuity or Annuities, so to be given by the said Commissioners, as herein-before directed, shall be good and valid in the Law, without any Inrolment or Registry of any Memorial thereof in the High Court of Chancery, or elsewhere.

Assignments to be entered with the Clerk to the Commissioners.

VII. And be it further enacted, That every Assignment or Transfer of any and every Sum or Sums so to be lent, or of any and every Annuity or Annuities so to be purchased in pursuance of this Act, shall be left with the Clerk for the Time being to the said Commissioners of Sewers, and the same shall be entered by him in a Book or Register, to be kept for that Purpose, before any Assignee or Assignees, Transferree or Transferrees, named in such Assignment or Transfer, shall be entitled to receive any Annuity or Annuities, or any Sum or Sums of Money so lent, or the Interest thereof, thereby assigned; and in case any Annuity or Annuities, or any Sum or Sums of Money so lent, or the Interest thereof, shall be paid

paid by the Aſſignor or Aſſignors, Transferror or Transferrors, in ſuch Aſſignment or Transfer named, before the ſame ſhall be entered in ſuch Book or Regiſter, the Payment thereof ſhall be deemed a good and valid Payment; and the ſaid Aſſignee or Aſſignees, Transferree or Transferrees ſhall be barred from any Claim thereto, or Recovery thereof, out of the Rates ſo to be made by the ſaid Commiſſioners; and for the Entry of every ſuch Aſſignment or Transfer, the Clerk for the Time being to the ſaid Commiſſioners ſhall be paid, by the Perſon to whom ſuch Aſſignment or Transfer ſhall be made, the Sum of Twenty Shillings for the Entry thereof.

VIII. And be it further enacted, That the Order or Certificate to be given by the ſaid Commiſſioners of Sewers for Repayment of the Sum or Sums of Money to be lent under the Authority of this Act, ſhall or may be in the Form or to the Effect following; that is to ſay,

Form of Warrant for Repayment of Monies borrowed.

'WHEREAS [*inſerting the Name and Place of Abode of the Party lending the Money*] did on the Day of propoſe or agree to lend and advance to the Commiſſioners of Sewers for the Limits extending from *Eaſt Mouldſey* in the County of *Surrey* to *Ravenſborne* in the County of *Kent*, the Sum of by way of Loan, at Intereſt, towards the Charges and Expences of Works done and performed, or to be done and performed, under the Authority of an Act of Parliament made and paſſed in the [*ſtating the Year of the Act*] Year of the Reign of His Majeſty King *George* the Third, intituled [*ſetting forth the Title of the Act under which the Works may be done*]: And whereas the ſaid Commiſſioners having accepted the ſaid Propoſal, the ſaid did on the Day of by Order of the ſaid Commiſſioners, pay into the Hands of their Expenditor General for the Time being, the ſaid Sum of : Now we, whoſe Hands and Seals are hereunto ſet and ſubſcribed, being Six of the Commiſſioners of Sewers for the Limits aforeſaid, do hereby order and direct the ſaid and any and every future Expenditor General for the Time being to the Commiſſioners of Sewers for the Limits aforeſaid, out of any Monies coming to his Hands by virtue of any Rate or Aſſeſſment, Rates or Aſſeſſments, now made or hereafter to be made by the Commiſſioners of Sewers for the Limits aforeſaid, under or by virtue of the ſaid Act of Parliament, or otherwiſe howſoever, to pay or cauſe to be paid unto the ſaid Executors, Adminiſtrators, or Aſſigns, the Sum of with Intereſt for the ſame, at and after the Rate of *per Centum per Annum*, on the Days and Times and in the Manner and Form herein-after mentioned, without further Warrant in this Behalf; that is to ſay, [*here ſet forth the Directions and Stipulations for Repayment of the Monies borrowed, as may be agreed upon between the Commiſſioners and the Party lending*]. Given under our Hands and Seals, this Day of in the Year of our Lord

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IX. And be it further enacted, That the Order, Grant, or Certificate to be given by the ſaid Commiſſioners of Sewers for Payment of any Annuity or Annuities to be purchaſed under the Authority of this Act, ſhall or may be in the Form or to the Effect following; that is to ſay,

Form of Grant of Annuity.

'WHEREAS [*inserting the Name and Place of Abode of the Party purchasing the Annuity*,] did on the Day of agree to and with the Commissioners of Sewers for the Limits extending from *East Mouldsey* in the County of *Surrey* to *Ravensborne* in the County of *Kent*, for the Purchase of One Annuity or Yearly Sum of to be payable during the Life [*or Lives, as the Case may be*] of [*inserting the Name or Names of the Person or Persons on whose Life or Lives the Annuity is to be payable*] upon the Terms and Conditions herein-after mentioned, at or for the Price or Sum of to be applied towards the Charges and Expences of Works done and performed, or to be done and performed, under the Authority of an Act of Parliament made and passed in the [*stating the Year of the Act*] Year of the Reign of His Majesty King *George* the Third, intituled [*setting forth the Title of the Act under which the Works may be done*]; And whereas the said did on the Day of by Order of the said Commissioners, pay into the Hands of their Expenditor General for the Time being, the said Sum of : Now we, whose Hands and Seals are hereunto set and subscribed, being Six of the Commissioners of Sewers for the Limits aforesaid, do hereby order and direct the said and every future Expenditor General for the Time being to the Commissioners of Sewers for the Limits aforesaid, out of any Monies coming to his Hands by virtue of any Rate or Assessment, Rates or Assessments, now made or hereafter to be made by the Commissioners of Sewers for the Limits aforesaid, under or by virtue of the said Act of Parliament, or otherwise howsoever, to pay or cause to be paid unto the said Executors, Administrators, or Assigns, One Annuity or Yearly Sum of for and during the Life [*or Lives, as the Case may be*] of [*and the Life of the Survivor of them*] the said on the Days and Times, and subject to the Conditions and Provisions herein-after mentioned, without further Warrant in that Behalf; that is to say, [*here set forth the Directions and Stipulations on which the Annuity may be agreed for*]. Given under our Hands and Seals, this Day of in the Year of our Lord '

Districts mentioned in the former Acts made into Two Divisions.

X. And be it enacted, That all and every the Messuages, Lands, Tenements, and Hereditaments, situate and being, or which previous to the passing of the above recited Acts, were reputed to be situate and being within the Districts of *Archbishop's Sluice*, *Arnold Sluice*, *Dover Sluice*, *Pudding Mill Stream*, *Boar's Head Sluice*, *Black Lion Sluice*, *Bear Sluice*, *Bridge House Sluice*, and *Battle Bridge Mill Stream*, shall form one Division, by or under the Name of the South Division; and all and every the Messuages, Lands, Tenements, and Hereditaments, situate and being, or which previous to the passing of the said Acts were reputed to be situate and being, within the Districts of *Green Bank Milk Stream*, *Saint John of Jerusalem Sluice*, *Whitewall Sluice*, *Salisbury Lane Sluice*, *Duffield Sluice*, *Prince's Street Sluice*, *Limekiln Sluice*, *Globe Sluice*, *Wood Sluice*, *Earl Sluice*, *Church Marsh Sluice*, *Vauxhall Creek*, *Heathwall Sluice*, and *Gutter Ditch Sluice*, and also within the Districts of *Moore Sluice* and *Wells Sluice*, in the Parish of *St. Mary Rotherhithe*, in the County of *Surrey*, shall be formed into one other Division, by or under the Name of the East Division; and the several Powers, Directions, and Authorities given and enacted by this and the several above-recited Acts,

shall

shall be executed as to and in the said Divisions under the respective Names thereof, in as full Manner and Effect, to all Intents and Purposes, as they are directed and authorized to be executed as to and in the said several Districts in or by the said Acts, any Omission, Misnomer, Error, or wrong Description of any Parish or Parishes, Part or Parts of Parishes, in the said Acts, or either of them, notwithstanding.

Enabling Commissioners to cart away Soil from Sewers.

XI. And be it enacted, That the said Commissioners and their Officers or Servants employed in and about the casting or cleansing any Sewer, Sink, Drain, or Watercourse, are hereby authorized and empowered to cart, take or carry away the Soil or Filth arising from such casting or cleansing, as they shall see fit and convenient to be done; but all Filth and Soil cast, thrown, or laid on or in any Road, Street, Highway, or public Passage, shall be taken or carried away as expeditiously as may be: Provided always nevertheless, that any Person or Persons desirous of having or keeping the Soil or Filth arising from the Part of any Sewer or Drain adjoining his, her, or their Land or Tenement, shall, on signifying such his, her, or their Desire to the said Commissioners, or their Surveyor or Workmen, be entitled to the same; and in such Case the said Commissioners, their Surveyor or Workmen, shall not take the same away, but the same shall remain with, or be removed and taken away by such Person or Persons.

Pavements in Street to be made good by Commissioners of Sewers.

XII. And be it further enacted, That whensoever it shall be necessary to dig into, open, or break up any paved Street or Highway, whether under the Care of Trustees or Commissioners appointed by virtue of any Act or not, for the Purpose of widening, deepening, embanking, altering, arching, removing, amending, cleansing, or 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 this and the said recited Acts, or either of them, the same shall be dug into, opened, or broken up, and the Pavement of the said Street or Highway 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 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 Commissioners of Sewers; and in the meantime such Surveyor or Surveyors, Agents or Workmen, so digging into, opening, or breaking up such Street or Highway, shall and are hereby required forthwith to secure the same, in such Manner as to prevent any Damage happening to Passengers, Cattle, or Carriages; and in Default thereof, such Surveyor or Surveyors, Agents or Workmen, shall forfeit any Sum not exceeding Twenty Shillings nor less than Five Shillings for every Hour that the Ground to be broken up shall not be secured in Manner aforesaid, which said Penalty shall be at the Discretion of, and imposed by any one Justice of the Peace for the said County of *Surrey*, and shall be paid to the Informer.

Corporate Companies to be chargeable to Rates.

XIII. And in order to avoid any Doubt whether Bodies Politic or Corporate, created by divers Acts of Parliament, or the Works erected, made, or carried on by them, are assessable by the said Commissioners of Sewers, be it further enacted, That all and every Land, House, Building, Tenement, or Hereditament, situate or being within the Limits herein-before mentioned,

mentioned, in the Occupation of or belonging to any Body Politic or Corporate, ſhall and may be charged and aſſeſſed by the ſaid Commiſſioners of Sewers for the Limits aforeſaid, in the ſame and like Manner as any other Lands, Houſes, Buildings, Tenements, or Hereditaments may be by them charged and aſſeſſed, any Thing in the ſaid Acts contained, or any Law or Statute to the contrary notwithſtanding; and the Payment of the Monies ſo charged and aſſeſſed ſhall and may be enforced or recovered in the ſame or like Manner as the Payment of any other Monies at any Time charged and aſſeſſed by the ſaid Commiſſioners can or may be enforced or recovered.

Public Charities exonerated from Rates.

XIV. Provided always, and be it enacted, That nothing in this or the ſaid herein-before recited Acts or either of them contained to the contrary ſhall extend, or be deemed or conſtrued to extend, to authorize or empower the ſaid Commiſſioners, or their Succeſſors, at any Time to rate or aſſeſs any Hoſpital, Charity School or Houſe, provided for the Reception and Relief of poor Perſons, or the Burying-ground belonging thereto, or any Perſon or Perſons, as the Treaſurer, Maſter, Teacher, Tenant, or Occupier of ſuch Hoſpital, School, Aſylum, or Houſe uſed for public charitable Purpoſes, with any the Rates or Aſſeſſments by this or the ſaid recited Acts, or either of them, directed or authorized to be made for the Purpoſes therein or herein mentioned, ſave only for ſuch Houſes or Apartments therein or thereto belonging, as are or may be occupied by the Officers or Servants thereof, and which ſaid Houſes or Apartments ſhall and may be aſſeſſed and be ſubject to the ſaid Rates and Duties, according to the fair and equal annual Value thereof, any Law or Uſage to the contrary notwithſtanding.

Power given to Commiſſioners to purchaſe Lands mentioned in Schedule.

XV. And be it enacted, That if any Body Politic, Corporate, or Collegiate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, or any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee of Lunatic, or any other Truſtee or Feoffee whatſoever, or any Infant, Feme Covert, or *Ceſtuique* Truſt, or other Perſon whatſoever, whether jointly or ſeverally poſſeſſed of, intereſted in, or entitled unto any of the Lands, Meſſuages, Buildings, Grounds, Tenements, or Hereditaments mentioned and ſpecified in the Schedule hereunto annexed; or of any Intereſt or Share therein, ſhall neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners of Sewers at a Court or Seſſions of Sewers, of which Eight Days Notice, in Writing, ſigned by the Clerk for the Time being to the ſaid Commiſſioners, ſhall be given or left at or upon the Premiſes ſo intended to be purchaſed, for the Sale of ſuch Part of the ſaid Lands, Meſſuages, Buildings, Grounds, Tenements, or Hereditaments, as the ſaid Commiſſioners ſhall deem neceſſary to be purchaſed for the Purpoſes of this or the ſaid recited Acts, or either of them, then it ſhall and may be lawful to and for the ſaid Commiſſioners aſſembled at the ſaid Court or Seſſions, or at any ſubſequent Court or Seſſions, to cauſe Notice in Writing, ſigned by their Clerk, to be given or left in or upon the Premiſes, or with the Owner or Occupier thereof, of the Sum of Money they are willing to pay for the Purchaſe thereof, in which Notice a Time and Place ſhall be appointed for the Acceptance or Refuſal of ſuch Sum, which Time ſhall be at leaſt Eight Days after the Service of ſuch Notice; and in caſe the Head Officer of any Body Politic, Corporate, or Collegiate, Eccleſiaſtical or Civil, or ſome Perſon deputed on his or their Behalf,

or any Perſon intereſted in the Premiſes as aforeſaid, ſhall refuſe or neglect to attend at ſuch Time and Place, or ſhall then or afterwards refuſe or neglect to accept the ſaid Sum for the Sale of the ſaid Premiſes, or of his, her, or their Intereſt or Intereſts therein, or ſhall then or afterwards refuſe or be unable to make a clear Title thereto, or to convey ſuch Premiſes, or ſuch Intereſt or Intereſts, to the Satisfaction of the ſaid Commiſſioners, then the ſaid Commiſſioners ſhall cauſe to be inquired into, aſcertained, and aſſeſſed, by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Surrey*, what Sum of Money ought to be given to the Owner or Owners, and Perſon or Perſons intereſted in any or every ſuch Lands, Meſſuages, Grounds, Tenements, or Hereditaments, for or upon the Account of the taking of the ſame by the ſaid Commiſſioners.

Clauſes in former Acts extended to this.

XVI. And be it further enacted, That all and every the Powers, Clauſes, Directions, Authorities, Exemptions, Proviſions, Penalties, Matters, and Things in the ſaid recited Acts or either of them contained, and not hereby repealed, varied, or altered, ſhall be as good, valid, and effectual, and ſhall be applied and enforced to and for all the Intents and Purpoſes of this Act, as if the ſame were herein inſerted and enacted.

Power to reſell Lands not wanted.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſell and diſpoſe of, and by Indenture under the Hands and Seals of any Six or more of them, abſolutely to grant and convey, ſuch Part or Parts of the Lands, Buildings, Tenements, or Hereditaments, which ſhall be purchaſed by and conveyed to the ſaid Commiſſioners, under or by virtue of this or the ſaid recited Acts, and which ſhall not be wanted for the Purpoſes thereof; and that all ſuch Conveyances from the ſaid Commiſſioners ſhall be valid and effectual, any Law, Statute, or Cuſtom to the contrary thereof in anywiſe notwithſtanding; and upon Payment of the Money which ſhall ariſe by Sale or Sales of ſuch Lands, Buildings, Tenements, or Hereditaments, or any Parts or Parcels thereof, it ſhall be lawful for the Expenditor General for the Time being, to the ſaid Commiſſioners, to ſign and give Receipts for the Money for which the ſame ſhall be ſold, which Receipts ſhall be ſufficient Diſcharges to any Perſon or Perſons, for the Purchaſe Money for ſuch Lands, Buildings, Tenements, or Hereditaments, or any Part or Parcel thereof as ſhall be ſold, or for ſo much thereof as in ſuch Receipts reſpectively ſhall be expreſſed to be received; and ſuch Perſon or Perſons ſhall not afterwards be anſwerable or accountable for any Loſs, Miſapplication, or Non-application of ſuch Purchaſe Money or any Part thereof: Provided always, that the ſaid Commiſſioners, before they ſhall ſell and diſpoſe of ſuch Lands, Buildings, Tenements, or Hereditaments, or any Eſtate or Intereſt therein, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed the ſame, for ſuch Eſtate or Intereſt as ſuch Perſon or Perſons had therein and ſold to the ſaid Commiſſioners; and in caſe the ſaid Commiſſioners and ſuch Perſon or Perſons ſhall differ and not agree as to the Price or Prices thereof, and ſuch Perſon or Perſons ſhall nevertheleſs ſignify his, her, or their Deſire to purchaſe the ſame, by a Notice in Writing, to be given or left with the Clerk to the ſaid Commiſſioners, within Ten Days after ſuch Order, then the Price or Prices to be paid for the ſame ſhall be adjuſted and ſettled by a Jury, to be ſummoned as in caſe of Purchaſes made by the ſaid Commiſſioners as herein mentioned, *mutatis mutandis*; and the ſaid Notice ſhall be deemed an actual Contract for Purchaſe of

the ſaid Premiſes, as againſt the Party or Parties giving the ſame, at the Price which ſhall be adjuſted and ſettled by ſuch Jury; and in caſe ſuch Perſon or Perſons ſhall not agree to re-purchaſe ſuch Eſtate and Intereſt therein, or ſhall not give ſuch Notice of his, her, or their Intention to re-purchaſe the ſame within Ten Days after ſuch Offer of Sale, then and in every ſuch Caſe the ſaid Commiſſioners may proceed to the Sale of ſuch Lands, Buildings, Tenements, and Hereditaments to any other Perſon or Perſons, an Affidavit being firſt made and ſworn before a Maſter or a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County wherein ſuch Lands, Buildings, Tenements, or Hereditaments, ſhall be ſituated, by ſome competent Perſon or Perſons, ſtating that ſuch Offer was made by and on behalf of the ſaid Commiſſioners, and was not then and thereupon agreed to by the Perſon or Perſons to whom the ſame was ſo made, and that ſuch Notice as aforeſaid was given; and ſuch Affidavit ſhall, in all Courts, be ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to by the Perſon or Perſons to whom it was made (as the Caſe may be), and that ſuch Notice as aforeſaid was not given: Provided alſo, that in caſe the Perſon or Perſons from whom any ſuch Lands, Buildings, Tenements, or Hereditaments ſhall have been purchaſed cannot be found, then the ſaid Commiſſioners of Sewers, before they ſhall ſell and diſpoſe of ſuch Lands, Buildings, Tenements, or Hereditaments, to any Perſon or Perſons whomſoever, ſhall cauſe an Affidavit to be firſt made before ſuch Maſter in Chancery or Juſtice of the Peace as before mentioned, by ſome competent Perſon or Perſons, ſtating that diligent and *bonâ fide* Inquiry hath been made after ſuch Perſon or Perſons for the Space of Three Months, and that ſuch Perſon or Perſons cannot be found or diſcovered, and ſuch Affidavit ſhall in all Courts be ſufficient Evidence that ſuch Inquiry was made.

Monies ariſing by Sale of Lands applicable to the Uſes of Acts.

XVIII. And be it further enacted, That all Money which ſhall ariſe by any Sale or Sales, or Demiſe or Demiſes, which may be made by the ſaid Commiſſioners, of ſuch Lands, Buildings, Tenements, and Hereditaments, Eſtates and Intereſts, as aforeſaid, ſhall be applied to the Purpoſes of this and the ſaid Acts, and the Purchaſer or Purchaſers, Leſſee or Leſſees thereof, ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Coſts of Tenant for Life to be paid.

XIX. And be it further enacted, That whenever any Lands, Tenements, or Hereditaments ſhall be purchaſed for the Purpoſes of this or the before recited Acts, in or to which any Perſon ſhall be intereſted or entitled as Tenant for Life, all ſuch Coſts, Charges, and Expences as any ſuch Tenant for Life ſhall or may incur or be put unto by reaſon of the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or of the inveſting the Money to ariſe therefrom under the Direction of the Court of Chancery, until the ſame ſhall be laid out in the Purchaſe of other Lands and Tenements, and of any Order of the ſaid Court for Payment of the Dividends thereof to any Tenant for Life, ſhall be paid and ſatisfied to any ſuch Tenant for Life by the ſaid Commiſſioners, out of the Monies which ſhall ariſe by virtue of this or the ſaid recited Acts.

XX. And

Costs to be paid by Commissioners to Owners of Land, where the Jury find a Verdict beyond the Tender.

XX. And be it further enacted, That in every Case where a Verdict shall be given for more Money for any Lands, Tenements, or Hereditaments, of or belonging to any Body or Bodies Politic, Corporate, Collegiate, Ecclesiastical, or Civil, or of or belonging to any Person or Persons whomsoever, taken or required to be taken by the said Commissioners under the Authority of this or the said recited Acts, or either of them, than had been previously tendered or offered for the same by or on behalf of the said Commissioners, then the Costs and Expences sustained by such Body or Bodies Politic, Corporate, Collegiate, Ecclesiastical, or Civil, or by such Person or Persons, in and about the Inquiry by or before the Jury to be summoned and impannelled for ascertaining the Value of such Lands, Tenements, or Hereditaments, pursuant to the Directions in that Behalf contained in this and the said Acts or any of them, shall be paid by the said Commissioners out of the Monies to arise from any Rate or Rates to be made thereafter by them, under the Authority of the said Acts or either of them, to such Body or Bodies, Person or Persons, such Costs and Expences being previously ascertained and settled by any Two Justices of the Peace for the County of *Surrey*, as herein-after mentioned.

Notice of Meeting of Justices to be given to the Clerk to the Commissioners.

XXI. And be it further enacted, That before such Costs and Expences shall be so ascertained and settled, a Particular or Bill of the Items thereof in Writing, together with a Notice in Writing signed by the Head Officer of such Body or Bodies, or by such Person or Persons to whom the same Lands, Tenements, and Hereditaments may belong, specifying the Names of the said Justices, and the Hour or Time and Place of Meeting, to ascertain and settle such Costs and Expences, shall be given to the Clerk to the said Commissioners of Sewers for the Time being, or left at his usual Place of Abode, Six Days before the Day appointed for the Meeting of the said Justices; and the said Clerk, and any other Person or Persons on Behalf of the said Commissioners, shall and may attend the said Justices at the Time and Place mentioned in such Notice, and be at full Liberty to state any Objection to the Allowance of such Costs and Expences, or of any Part thereof; and such Head Officer, or such Person or Persons, or their Agent or Agents, shall make Oath before such Magistrates, if required by the said Clerk to the said Commissioners, of the Payment of any Sum or Sums of Money claimed to have been expended in and about such Costs and Expences, and which Oath the said Magistrates are hereby empowered to administer; and the said Costs and Expences shall be so ascertained and settled by the said Magistrates jointly, and not otherwise, at the Time and Place appointed by such Notice, or at any other Time and Place whereto such Magistrate may think proper to adjourn.

Persons giving false Evidence guilty of Perjury.

XXII. And be it further enacted, That all and every Persons and Person, who in any Inquiry or Examination to be made or taken by virtue of this and the said recited Acts, or either of them, shall wilfully and corruptly swear falsely, or being a Quaker shall wilfully and corruptly falsely affirm, or otherwise give false Evidence, shall be subject to such Pains, Penalties, and Disqualifications, as Persons guilty of wilful and corrupt Perjury are subject and liable to by the Laws and Statutes of this Realm.

XXIII. And

XXIII. And be it 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 the ſaid before-recited Acts, or either of them. Expence of this Act to be paid out of Rates.

XXIV. And be it 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 Acts, or either of them, 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 Acts, or either of them, 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 Acts, or either of them; 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 non-ſuited, 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 or are entitled to, or may have for his, her, or their Coſts in other Caſes. Limitation of Actions.

XXV. 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.

The SCHEDULE referred to by this Act.

The ſeveral Lands and Tenements in the Pariſh of Chriſt Church, in the County of Surrey, after mentioned:

A Mill Houſe and Building adjoining, belonging to and in the Occupation of Benjamin Cape, ſituate on the North Side of the Street leading from Holland Street to Bank Side, and oppoſite the Falcon Glaſs Houſe.

A Shop and Tenement adjoining Weſtward to the above, in the Occupation of Smith, Widow, and belonging to the ſaid Benjamin Cape.

A Piece of encloſed Ground, now or late in the Occupation of Meſſrs. Woodward and Son, adjoining towards the Weſt on the above-mentioned Shop and Tenement.

The ſeveral Lands and Tenements in the Pariſh of St. Mary Rotherhithe, in the County of Surrey, after mentioned.

Ground adjoining to the River Thames, uſed as a Stone Wharf, in the Occupation of Hall Wake and Daniels, and belonging to the Mayor, Commonalty, and Citizens of the City of London.

A Stable and Ground, adjoining to the above-mentioned Ground, alſo in the Occupation of the ſaid Hall Wake and Daniels, and belonging to the ſaid Mayor, Commonalty, and Citizens.

A Piece of Marſh Land, belonging to the ſaid Mayor, Commonalty, and Citizens, lying vacant, and adjoining to the New Road leading from Grove Street to the Eaſt Country Dock.

A Shed, in the Occupation of Daniel Love, Cooper, belonging to the ſaid Mayor, Commonalty, and Citizens.

A Piece of Land, now vacant, but late in the Occupation of Sarah Skinner, belonging to the ſaid Mayor, Commonalty, and Citizens.

A Piece of Land, in the Occupation of Joſeph Harris, belonging to Mrs. Ann Hambly, Widow, and adjoining to the laſt-mentioned Land.

A Piece of Land, adjoining to the laſt-mentioned Land, in the Occupation of David Matthews, and belonging to Mrs. Ann Hambly, Widow.

A Piece of Land, in the Occupation of Thomas Reed, belonging to Mrs. Ann Hambly, Widow, on the South Side of the Road, called the Plough Bridge Road.

A Piece of Land, on the Eaſt Side of the Main Road leading to Deptford, in the Occupation of Ephraim Keeling, belonging to Mrs. Ann Hambly, Widow.

A Piece of Land adjoining the ſaid Main Road leading to Deptford, in the Occupation of Mrs. Hambly, of Cold-blow Farm, Widow, and belonging to Mrs. Ann Hambly, Widow.

Two Pieces of Land, on the South Side of Rogue's Lane, or Corbett Lane, in the Occupation of Mary Bowell.

Two Pieces of Land, on the South Side of Galley Wall, in the Occupation of Barton.

The following Lands, in the Parish of St. Giles Camberwell, in the County of Surrey.

A Piece of Land, on the South Side of Galley Wall, now vacant, and belonging to John Rolls Esquire.

The following Lands, in the Parish of St. Mary Newington, in the County of Surrey.

A Piece of Land, in the Occupation of on the South Side of the Sewer adjoining the Footway in and leading through Montpellier Gardens.

A Piece of Land, on the West Side of the Road leading from Walworth to Camberwell Green, in the Occupation of Messrs. Higgs, Rainsforth, Marshall, and others, belonging to Mr. Philip Urlwin.

A Piece of Land, adjoining the above, belonging to and in the Occupation of Mr. Joseph Handland.

Two Pieces of Land, adjoining the last-mentioned Land, in the Occupation of George Marsh.

The following Land, in the Parish of Battersea, in the County of Surrey.

A Piece of Land, in the Occupation of Hearne, or Loat, and belonging to Thomas Ponton Esquire, on the West Side of and adjoining to the Main Sewer in Heathwall District.

The following Lands, in the Parish of Saint Paul Deptford, in the County of Kent, or Surrey.

A Piece of Land, on the West Side of the Main Road leading from Rotherhithe to Deptford, in the Occupation of John Evans.

Two Pieces of Land, also on the West Side of the said Road, in the Occupation of and belonging to Mrs. Elizabeth Emmott, and adjoining the last-mentioned Land.

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