ANNO UNDECIMO

Georgii III. Regis.

CAP. XVII.

An Act to explain and amend ſo much of an Act of the Sixth Year of His preſent Majeſty, *for Paving the Town and Borough of* Southwark, *in the County of* Surrey, as relates to the Commiſſioners of Sewers; and for regulating the Manner of taxing Churches, and other publick Buildings, within the Limits of the ſaid Act.

WHEREAS by an Act paſſed in the Sixth Year of the Reign of His preſent Majeſty King George the Third, intituled, An Act for Paving the Streets and Lanes within the Town and Borough of *Southwark*, and certain Places adjacent, in the County of *Surrey*, and for Cleanſing, Lighting, and Watching the ſame, and alſo the Courts, Yards, Alleys, and Paſſages adjoining thereto, and

Preamble. Act 6 *Geo.* III.

and for preventing Annoyances therein; it is, amongst other Things enacted, That when and so often as there shall be Occasion to make new or additional Grates over any Sewer or Sewers within the said Streets or Lanes, or either of them, or to repair or alter any of the old Grates belonging to the Commissioners of Sewers in the said Streets or Lanes, or either of them, the same shall be made new, repaired, or altered, by and at the Expence of the said Commissioners of Sewers: And it is also enacted, That when and so often as any Sewer or Drain, which is or shall be under the Direction of the Commissioners of Sewers, and which shall be situate in, or communicating with the said Streets or Lanes, or either of them, shall require to be made new, repaired, altered, cleansed, or emptied, then, and in every such Case, the said Commissioners of Sewers shall, within Six Days after Notice given to, or left for their Surveyor for the Time being, at his last or usual Place of Abode, by the said Commissioners appointed to put the said Act in Execution, or any Five or more of them, or by the Surveyor or other Person authorised by them, make new, effectually repair, clean, or empty such Sewer or Drain, as the Case may require; and in Default thereof it shall and may be lawful to and for the said Commissioners appointed by the said Act, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to cause such Sewer or Drain to be made new, repaired, altered, cleansed, or emptied, as the Case may require, or so much thereof as shall remain unfinished: the Charges and Expences whereof shall be paid by the Commissioners for putting the said Act in Execution, who shall be reimbursed the same by the Clerk or Treasurer for the Time being to the said Commissioners of Sewers; and in case the said Clerk or Treasurer to the said Commissioners of Sewers shall neglect or refuse to pay what shall have been so paid and disbursed, within Ten Days next after Notice thereof shall be left at the Dwelling-house, or last Place of Abode, of such Clerk or Treasurer, and signed by the Clerk to the Commissioners for putting the said Act in Execution, annexed to the Bill containing an Account of such Charges and Expences, it shall and may be lawful to and for the said last-mentioned Commissioners, or any Five or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name of their Clerk for the Time being, against such Clerk or Trea-

surer of the Commissioners of Sewers for the Time being, for the Recovery of such Sum or Sums of Money as they shall have so expended for the Purposes aforesaid: And whereas the Commissioners for putting the said Act in Execution for the Eastern Division, have charged the said Commissioners of Sewers, with the Sum of Seven hundred and five Pounds, fifteen Shillings, and Nine-pence Halfpenny, and the Commissioners for the Western Division have charged the said Commissioners with the Sum of Three hundred and ten Pounds, eight Shillings, and Five-pence, amounting in the Whole to the Sum of One thousand and fifteen Pounds, four Shillings, and Two-pence Halfpenny, for the Charges and Expences of making new Grates over the Sewers within the said Streets or Lanes, repairing and altering old Grates therein, and of making new, repairing, altering, cleansing, and emptying several Sewers or Drains within the said Streets or Lanes, under the Authority and in pursuance of the Directions of the said Act, and have brought, or caused to be brought, an Action at Law against the Clerk for the Time being to the said Commissioners of Sewers for recovering Part of the said Monies, and which Action is still depending: And whereas Doubts have arisen whether the said Commissioners of Sewers are by their Commission authorised or impowered to raise Monies for the Purposes mentioned in the said recited Act: Now, to the End that the said Commissioners for putting the said recited Act in Execution may be reimbursed the Monies so by them charged to have been expended as aforesaid, together with the Costs and Charges which have accrued in and about the aforesaid Action, and that the Clerk for the Time being to the said Commissioners of Sewers may be saved harmless and indemnified therefrom, and that the said Commissioners of Sewers may be duly authorised and impowered to raise Monies for the Purposes aforesaid: May it 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 from and after the passing of this Act, it shall and may be lawful to and for the Commissioners of Sewers, for the Limits extending from East Mouldsey in the County of Surrey, to Ravensborne in the County of Kent, or any Six or more of them, Three whereof are to be of the Quorum, and they are hereby authorised and required to enquire, by the Oaths of Twelve or more honest and lawful

Monies disbursed by Commissioners for Paving,

and the Actions brought thereon.

Doubts concerning the Power of the Commissioners of Sewers.

Intent of the Act.

Commissioners of Sewers to enquire by a Jury what Owners, &c. may be hurt, &c from the Sewers within *Southwark*, and to assess them for the Purpose of this Act,

lawful Men, within the Counties of Surrey and Kent respectively, what Person or Persons hath or have, or holdeth or hold any Messuages, Lands, Tenements, or Hereditaments within the said Limits, or hath, or may have any Benefit or Hurt, Loss, or Disadvantage, by any Manner of Means, from the Sewers or Drains within the said Limits; and all those Persons, and every of them, to tax, assess, charge, distrain, and punish, after the Quantity of their Messuages, Lands, Tenements, Rents, and Hereditaments, and the Rate of every Person's Portion, Tenure, and Profit, for and towards the Discharge and Satisfaction of the Monies which have been so expended by the said Commissioners, for putting the said before-recited Act of the Sixth Year of His present Majesty into Execution as aforesaid, and of the Costs and Charges which have accrued in and about the Prosecution and Defence of the Action aforesaid, and of the necessary Costs and Charges incidental to the Enquiry and Assessment hereby directed to be made, and also of the Costs and Charges expended and laid out in or by reason of obtaining and passing this present Act of Parliament, by such Ways and Means, and in such Manner and Form, as to the said Commissioners of Sewers, or any Six or more of them, Three whereof shall be of the Quorum, shall seem meet; to be done and ordained according to and in pursuance of the several Powers and Authorities vested in them by their Commission, or by virtue of an Act of Parliament made and passed in the Twenty-third Year of the Reign of the late King Henry the Eighth, intituled, The Bill of Sewers, or any other Act or Acts of Parliament made, and now in Force relating to the Power and Authority of the said Commissioners of Sewers, or for the Purpose of executing their Commission.

pursuant to the Powers of their Commission.

And be it further enacted by the Authority aforesaid, That from and out of the Monies to be raised and collected by the Enquiry and Assessment as aforesaid, the said Commissioners of Sewers, or any Six or more of them, Three whereof shall be of the Quorum, shall, in the First Place, pay and satisfy unto the said Commissioners in each Division, for putting the said recited Act in Execution, or any Five or more of them, the Monies so respectively expended by them as aforesaid; and in the next Place, the Costs and Charges before mentioned, and in case there shall be any Surplus remaining after such Payments, the same shall be from Time to Time paid and applied by the said Commissioners of Sewers, in and towards the general

Application of the Monies to be raised by the Assessment.

neral Charges and Expences of executing their Commission.

Directions to Commissioners for Paving in future Alterations of the Sewers.

And be it further enacted by the Authority aforesaid, That in case the Commissioners for putting the said recited Act in Execution, or any Five or more of them, shall at any Time or Times, from and after the passing of this Act, think it necessary, or have Occasion to make any new or additional Grates over any Sewer or Sewers, within the Streets or Lanes, or Places comprised and mentioned in the said recited Act, or any of them, or to repair or alter any of the old Grates therein, or to make new, repair, alter, cleanse, or empty any Sewer or Drain, which is or shall be under the Direction of the Commissioners of Sewers, situate in, or communicating with the said Streets, Lanes, and Places aforesaid, or any of them; then the said Commissioners for putting the said recited Act in Execution, or any Five or more of them, or their Surveyor or Surveyors for the Time being, within their respective Divisions, or other Person or Persons authorised by them, shall, and they are hereby directed and required to give or leave Notice in Writing, unto and for the Clerk for the Time being to the said Commissioners of Sewers, at his usual or last Place of Abode, of their Intention to have any such new or additional Grates, made or placed over any Sewer or Sewers, within the Limits aforesaid, or to have any such Reparation or Alteration of the old Grates therein, or to have any such Sewer or Drain made new, repaired, altered, cleansed, or emptied, as the Case may be; and the said Clerk is hereby directed and required, immediately after the Delivery of any and every such Notice as aforesaid, to summon Six or more of the said Commissioners of Sewers, who shall be inhabiting or dwelling in or near the Borough of Southwark, Three whereof shall be of the Quorum, to survey the Grates, Sewers, and Drains, mentioned and specified in such Notice, within Ten Days next after the Receipt thereof; and they the said Commissioners are hereby required and directed to survey the same, within the Time before limited, and after such Survey shall be had and made, to cause such Grates, Sewers, and Drains to be forthwith made new, corrected, repaired, amended, altered, cleansed, emptied, or reformed, as the Case shall require, and by the Oaths of a Jury to enquire what Person or Persons are or ought to contribute to the Charges and Expences thereof in each Division, and to tax, assess, charge, distrain, and punish, all and every such

The Clerk to summon them to survey Defects, &c. on Notice.

Commissioners of Sewers directed to survey the same, and to cause Grates, Sewers, and Drains to be reformed, and to enquire by a Jury who ought to be contributory to the Expence, &c.

such Person and Persons, for the Redress and Reformation thereof, by such Ways and Means, and in such Manner and Form, as to the said Commissioners shall seem fit to be done and ordained, according to and in pursuance of the several Powers and Authorities vested in them the said Commissioners by their Commission, or by virtue of the said Act of Parliament of the Twenty-third Year of the late King Henry the Eighth, or any other Act or Acts of Parliament made and now in Force relating to the Power and Authority of the said Commissioners of Sewers, or for the Purpose of executing their Commission.

Where Two Parts in Three of Monies are to be collected.

Provided always, and be it further enacted by the Authority aforesaid, That Two Parts in Three (the Whole into Three equal Parts being to be divided) of the Monies to be raised and collected by the Enquiry and Assessment aforesaid, shall be, and the same is hereby directed to be raised and collected upon the Owners and Occupiers of all the Messuages, Lands, Tenements, and Hereditaments, situate and being within the Levels or Districts, commonly called or known by the Name or Names of Bridgehouse Sluice, Green Bank Mill Stream, Battle Bridge Mill Stream, Saint John of Jerusalem Sluice, Bare Sluice, Boars-head Sluice, Black Lyon Sluice, and Whitewall Sluice, in the County of Surrey, and which are lying, being, or adjoining to any Part or Parts of any other Sluice, Common, Sewer, or Stream, running in or through any of the Streets, Lanes, or Places comprised in the said recited Act of the Sixth Year of his present Majesty; and that the other or remaining Third Part of the said Monies shall be, and the same is hereby directed to be raised and collected upon the Owners and Occupiers of Messuages, Lands, Tenements, and Hereditaments, situate, lying, and being in all the other Levels or Districts within the Limits, under the Cognizance and Jurisdiction of the said Commissioners of Sewers, and not otherwise, or in any other Manner.

Commissioners to cause Grates and Sewers to be repaired;

And be it further enacted by the Authority aforesaid, That in case the said Commissioners of Sewers shall neglect or refuse to cause any such Grate, Sewer, or Drain to be made new, corrected, repaired, amended, altered, cleansed, or emptied, as the Case shall require, for the Space of Fourteen Days after the Delivery of every such Notice as aforesaid, that then it shall and may be lawful to and for any Five or more of the said Commissioners, who are or shall be authorised to put the said recited Act of the Sixth Year of his present Majesty in

in Execution, to cause every such Grate, Sewer, and Drain, whereof such Notice shall be given or left as aforesaid, to be made new, corrected, repaired, amended, altered, cleansed, emptied, and reformed, as the Case may require, or so much thereof as shall be neglected to be finished by the said Commissioners of Sewers, the Charges and Expences whereof shall be paid by the Commissioners authorised to put the said last-mentioned Act in Execution, who shall be reimbursed the same by the Clerk or Expenditor General for the Time being to the said Commissioners of Sewers; and in case the said Clerk or Expenditor to the said Commissioners of Sewers shall neglect or refuse to pay what shall have been so paid and disbursed, within Three Months next after Notice thereof shall be left at the Dwelling-house or last Place of Abode of such Clerk or Expenditor, (which Notice shall be in Writing, and signed by the Clerk to the Commissioners authorised to put the said last-mentioned Act in Execution, and annexed to a Bill containing an Account of such Charges and Expences) it shall and may be lawful for any Five or more of the said last-mentioned Commissioners, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name of their Clerk for the Time being, against such Clerk or Expenditor of the said Commissioners of Sewers for the Time being, and to recover upon any such Action or Actions, all and every of such Sum and Sums of Money as shall have been expended by the Commissioners for putting the said last-mentioned Act in Execution, for the Purposes aforesaid; in which Action or Actions no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

And be it further enacted by the Authority aforesaid, That the said Commissioners of Sewers shall, and they are hereby directed and required, from and immediately after the passing of this Act, to keep, for the future, separate and distinct Accounts of all Monies to be raised or collected by virtue of any Rates or Assessment which shall be made or allowed by the said Commissioners, in each and every Level or District within the Limits aforesaid; and that such Monies shall be, from Time to Time, paid, applied, disbursed, and expended by the said Commissioners, in, and towards the new-making, altering, amending, repairing, cleansing, and reforming the several Sluices, Sewers, Drains, and Grates, within each and every such Level or District wherein the said Monies shall be raised or collected, at the rateable

and to keep Accounts of Monies to be collected by Assessments.

rateable or proportionable Part of such Level or District, for and towards the general Charges and Expences attending the Execution of the said Commission, and not otherwise; and that such separate Accounts shall and may be inspected by any Person or Persons charged to the Payment of any such Rate or Assessment, who shall be intitled to have Copies of such Accounts, or any Part thereof, upon Payment of Sixpence for every One hundred Words contained therein.

Commissioners of Sewers to make new additional Grates.

And whereas some Doubts have arisen, whether the said Commissioners of Sewers are authorised or impowered to make any new or additional Grates over any Sewer or Sewers, or to repair or alter any of the old Grates therein, or to cast, cleanse, make new, repair, and alter the Common Sewers within their Jurisdiction, at the Costs and Charges of their Commission: It is therefore enacted by the Authority aforesaid, That the said Commissioners of Sewers shall be, and they are hereby authorised and impowered for the future, to make new or additional Grates over any Sewer or Sewers, and to repair and alter any of the old Grates therein, and to cast, cleanse, make new, repair, and alter all and every of the Common Sewers, situate and being in the several Levels or Districts, within the Limits aforesaid, as the Case may require, and from Time to Time to assess and levy the Charges and Expences thereof, by an Assessment on all the Owners and Occupiers of all or any Messuages, Lands, Tenements, or Hereditaments, within the same Levels or Districts, as to them shall seem meet to be done; the Right or Claim of any such Owners or Occupiers now set up, or hereafter to be set up, by Prescription or otherwise, for making new or additional Grates over any such Sewer or Sewers, or for repairing or altering any of the old Grates therein, or for casting, cleansing, repairing, or altering the same Common Sewers, at their own private Costs or Charges; or any Law, Usage, or Custom to the Contrary notwithstanding:

Commissioners to assess Parish Churches.

And whereas by the said recited Act it is enacted, That it shall be lawful for the said Commissioners at their Discretion, and they are hereby required, from Time to Time, to rate and assess, for the Purposes of the said Act, all Parish Churches, Church-yards, Chapels, Meeting-houses, Schools, Warehouses, Hospitals, Prisons, and all other publick Buildings whatsoever, and all dead Walls and void Spaces of Ground, situate and being within the said Streets and other Places, at a Rate to be settled by the said Commissioners,

not

not exceeding Sixpence for every Square Yard belonging to every such Parish Church, Church-yards, Chapel, Meeting-house, School, Warehouse, Hospital, Prison, and other publick Building whatsoever, dead Wall and void Space of Ground: And whereas the said Commissioners have, under the Authority of the said Act, rated and assessed some Churches, Church-yards, publick Buildings, dead Walls, and void Spaces of Ground, within the said Streets and Places, by the Square Yard, for the whole Content thereof, and others only for the Content of the Street or Ground lying before the same; be it therefore further enacted by the Authority aforesaid, That the Commissioners appointed, and hereafter to be appointed, to put the said recited Act in Execution, shall, from and after the passing of this Act, and they are hereby required, from Time to Time, to rate and assess, for the Purposes of the said recited Act, all Parish Churches, Church-yards, Chapels, Meeting-houses, Schools, Hospitals, Prisons, and all other publick Buildings whatsoever, and all dead Walls and void Spaces of Ground, situate and being within any of the said Streets and other Places, in an equal Manner by the Square Yard, not exceeding the Rate of Sixpence for every Square Yard, lying between the said Fences and the Middle of the Carriage-way lying before such Parish Churches, Church-yards, Chapels, Meeting-houses, Schools, Hospitals, Prisons, publick Buildings, dead Walls, and void Spaces of Ground, and not otherwise: Provided that no Owner or Proprietor, Owners or Proprietors of any such publick Buildings as aforesaid, shall be liable to pave or repair the Pavements before such publick Buildings respectively; any Thing in the said former Act contained to the contrary notwithstanding.

Commissioners appointed to put the recited Act in Execution.

And be it further enacted by the Authority aforesaid, That Herbert Thomas and Richard Russel, Esquires; Beriah Hills, William Biley, Joseph Collyer, Richard Bodman, Amos Angles, William Mason, John Davis, Francis Holmes, Henry Whittel, William Browning, Nathaniel Nichols, John Varnham, Richard Carpenter Smith, Richard Tomley, Richard Norfolk, Richard Toye, George Lane, William Baldwin, junior, Daniel Morgan, James Wadham, William Holmer, Thorold Lowdell, Joseph Bratt, Richard Miles, Richard Bennet, Gentlemen, shall be, and they are hereby nominated and appointed Commissioners for putting in Execution the said recited Act of the Sixth Year of his present Majesty, for paving the Streets and Lanes within

Commissioners Names.

the Town and Borough of Southwark, and Parts adjacent, in the said County of Surry, together with the Rest of the Commissioners nominated and appointed by the same Act; and shall be and are hereby authorised and impowered to execute all and every the Powers thereby, or by this present Act, granted and allowed, as fully, to all Intents and Purposes, as if they had been nominated and appointed in the said recited Act.

Limitation of Actions.

And be it enacted by the Authority aforesaid, That if any Suit or Action shall be brought or prosecuted against any Person or Persons for any Thing done, or to be done, in pursuance or under the Authority of this present Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants, in such Action or Suit, may plead the General Issue, Not Guilty, and give this present Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be laid in any other County or Place; that then and in such Case or Cases the Jury shall find a Verdict for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Justice as a Publick Act, and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded.

FINIS.