ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. CXXXI.

An Act for repairing the Common Sewer in *New Bridge Street Black Friars*, in the City of *London*, or making a new Sewer instead of the defective Part or Parts thereof, and for maintaining and cleansing the same. [27th *June* 1795.]

WHEREAS by an Act of Parliament passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for building a Bridge cross the River of* Thames, *from* Black-friars *in the City of* London, *to the opposite Side in the County of* Surrey; the Lord Mayor, Aldermen, and Commons, of the City of *London*, in Common Council assembled, were empowered out of the Monies to be raised by virtue of that Act, to fill up the Channel of *Bridewell Dock*, and to make a sufficient Drain or Sewer in and through the said Channel: And it was by the said Act provided, that the said Drain or Sewer should be maintained and kept in Repair by the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, out of the Monies which should be raised or received for the Purposes of the said Act: And whereas the said Channel of *Bridewell Dock* was afterwards filled up, and a Sewer of convenient Size constructed therein, by virtue and in pursuance of the same Act: And whereas Signs of Failure in the said Sewer have appeared, which are deemed to be of very serious Consequence, and occasion great Annoyance, Obstruction, Preamble. 29 Geo. II. Cap. 38.

ſtruction, and Danger, not only to the Inhabitants of Houſes on the Weſt Side of *New Bridge Street Black-friars*, in the City of *London*, but alſo to the Publick in paſſing through the ſaid Street which is One of the principal Avenues to and Thoroughfares in the ſaid City, and alſo endangers the valuable Houſes and Buildings near the ſaid Sewer: And in as much as ſuch Sewer forms the main or principal Drain for a large Part of the County of *Middleſex*, and ſeveral of the Streets within the ſaid City of *London* and the Liberties thereof, ſuch Streets would, in caſe of farther Obſtruction of the Water in the ſaid Sewer, be ſubjected to the utmoſt Annoyance and Detriment: And whereas the Funds granted or directed to be raiſed by the ſaid recited Act, and applicable to the maintaining and repairing of the ſaid Sewer, have ſome Time ſince ceaſed and determined: And whereas it is neceſſary that the ſaid Sewer ſhould be effectually repaired, or a new one built inſtead of the defective Part thereof, as ſoon as may be; but the Funds which were by the ſaid Act made applicable to ſuch Purpoſe having ceaſed, the ſame cannot be done without the Aid and Authority of Parliament: 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 be lawful to and for the Lord Mayor, Aldermen, and Commons, of the City of *London*, in Common Council aſſembled, and they are hereby authorized, and empowered, and required, out of the Money to be raiſed and received by virtue of this Act, to repair and amend the Sewer or Drain aforeſaid in a ſubſtantial and perfect Manner, or to make a good and ſubſtantial new Sewer of ſufficient Depth and Dimenſions along *New Bridge Street* and *Chatham Place*, to the ſaid River of *Thames*, at *Blackfriars Bridge*, in Lieu of ſo much of the ſaid preſent Sewer as the ſaid Lord Mayor, Aldermen, and Commons, in Common Council aſſembled, ſhall, upon opening the ſame, find or deem to be in a defective State; and in caſe of making a new Sewer to fill up ſuch Part of the ſaid preſent Sewer as ſhall be thought expedient by the ſaid Lord Mayor, Aldermen, and Commons, in Common Council aſſembled, as being no longer neceſſary or uſeful; and to lengthen or continue the ſeveral Drains now communicating with ſuch Part or Parts of the ſaid preſent Sewer as ſhall be filled up or abandoned, ſo as to make ſuch Drains reſpectively communicate with the new Sewer; and in either Caſe to replace, make good, and completely finiſh, the Pavements, Railing, Vaults, and Drains, which ſhall be taken up, removed, obſtructed, or diſturbed, for effecting the ſame; and for ſuch Purpoſes to appoint Commiſſioners from Time to Time to manage and tranſact all ſuch Matters as may or ſhall relate thereto.

Common Council empowered to repair the preſent Sewer, or make a new Sewer;

and to appoint Commiſſioners.

Commiſſioners to conſiſt of the Commiſſioners under the Acts 11 and 33 *Geo.* III.

II. And be it further enacted, That ſuch Commiſſioners ſo to be appointed ſhall conſiſt entirely of the ſeveral Perſons who, for the Time being, are or ſhall be the Commiſſioners appointed under or by virtue of an Act of Parliament, made and paſſed in the Eleventh Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating, extending, and rendering more effectual, the Powers granted by ſeveral Acts of Parliament, for making, enlarging, amending, and cleanſing, the Vaults, Drains, and Sewers within the City of* London *and Liberties thereof; and for paving, cleanſing, and lighting, the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages,*

Paſſages, and Places, and preventing and removing Obſtructions and Annoyances within the ſame; and of another Act of Parliament, made and paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, to explain, amend, and render more effectual, the laſt-mentioned Act; and that all the Powers and Authorities veſted or to be veſted in the Commiſſioners, to be appointed under or by virtue of this Act, ſhall and may from Time to Time be exerciſed at any of the Publick Meetings of the Commiſſioners appointed or to be appointed under or by virtue of the ſaid Acts made and paſſed in the Eleventh and Thirty-third Years of the Reign of His preſent Majeſty, by the major Part of the Commiſſioners preſent at any ſuch Meeting, ſo as the Number of the Commiſſioners preſent at any ſuch Meeting be not leſs than Seven, and as effectually to all Intents and Purpoſes as by all the Commiſſioners to be appointed under or by virtue of this Act.

Allowing Perſons not free of the City to be employed and contracted with.

III. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby authorized and empowered, from Time to Time, to employ under them any fit Perſon or Perſons, whether free of the ſaid City or not, in or about all or any of the Works which they ſhall cauſe to be performed by virtue or in purſuance of this Act; and to contract for the Performance of ſuch Works, or any of them, with any Perſon or Perſons whomſoever, in ſuch Manner as the ſaid Commiſſioners ſhall think fit; and that no Perſon or Perſons who ſhall be ſo employed or contracted with, nor any Perſon or Perſons to be ſet to work by or under them, or any of them, ſhall, for any Act done, or to be done, in or about any of the Works aforeſaid, be ſubject or liable to any Action, Indictment, or Information, upon the Statute made in the Fifth Year of Her late Majeſty Queen *Elizabeth*, intituled, *An Act containing divers Orders for Artificers, Labourers, Servants of Huſbandry, and Apprentices*, or be liable to be ſued for any Breach of the Cuſtom of *London*, or for any Penalty inflicted by any Bye-Law of the ſaid City.

For giving Notice of Contracts.

IV. Provided always, That previous to the making of any ſuch Contract, Notice ſhall be given in ſome of the Daily Newſpapers, that the ſaid Commiſſioners do intend to make ſuch Contract, and that all Perſons willing to engage therein may make Propoſals to the ſaid Commiſſioners at a certain Time and Place in every ſuch Notice to be ſpecified; and all Contracts, made or to be made in conſequence of ſuch Notice, ſhall ſpecify the ſeveral Works to be done, and the Price or Prices to be paid for the ſame, and the Time or Times when the ſaid Works are to be completed, together with the Penalties to be incurred in caſe of the Non-performance thereof; and the ſame ſhall be ſigned by the Clerk for the Time being of the ſaid Commiſſioners, as alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively, and ſhall be entered in a Book or Books to be kept for that Purpoſe by the ſaid Commiſſioners.

Power to dig, depoſit Materials, take up Water Pipes, &c.

V. And be it further enacted, That it ſhall be lawful to and for the ſaid Commiſſioners, for the Purpoſe of repairing or making ſuch Sewer or Drain as before-mentioned, from Time to Time, until the ſame Sewer ſhall be completed, to cauſe to be dug, carted, and carried out of, or brought into, and laid in *New Bridge-Street* and *Chatham-Place* aforeſaid, or any Part or Parts thereof, ſuch Earth, Gravel, Stones, Bricks, and other Materials, as they ſhall judge neceſſary, and likewiſe to cauſe

the Ground thereof to be raiſed or lowered, the Courſe of the Channels running into or through the ſame to be turned or altered, and the Water Pipes laid or which ſhall be laid under Ground to be taken up and new-laid, in ſuch Place or Places, and Manner, as they the ſaid Commiſſioners ſhall think beſt.

Power to uſe or ſell Materials of the Old Sewer.

VI. And be it further enacted, That, in caſe a new Sewer ſhould be built as aforeſaid, in purſuance of this Act, the ſaid Commiſſioners ſhall and may uſe, or cauſe to be uſed, the Materials of ſuch Part of the ſaid preſent Sewer as ſhall be no longer neceſſary in or about the making and finiſhing of the ſaid new Sewer, and other the Purpoſes of this Act, or the ſame Materials, or any Part thereof, ſhall and may ſell, or cauſe to be ſold, as they ſhall think fit.

Penalty on interrupting Workmen, &c.

VII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, obſtruct, hinder, or moleſt, any of the ſaid Commiſſioners, or any Surveyor or Surveyors, or other Officer or Officers, Workmen, Perſon or Perſons, whomſoever, who ſhall be employed by virtue of this Act in the Performance or Execution of their Duty, every ſuch Perſon ſo offending ſhall, for the Firſt Offence, forfeit and pay not exceeding the Sum of Ten Shillings; for the Second, not exceeding the Sum of Twenty Shillings; and for the Third and every other Offence, not exceeding the Sum of Forty Shillings.

The Sewer to be under the Management of the Commiſſioners of Sewers for *London*.

VIII. And be it further enacted, That when the ſaid Sewer ſhall be completed, the Whole thereof ſhall be under the Care, Management, and Direction, of the Commiſſioners for the Time being, for executing the ſaid Acts of the Eleventh and Thirty-third Years of His preſent Majeſty's Reign, and ſhall be, from Time to Time, maintained, repaired, cleanſed, and emptied, by them, as often as Occaſion ſhall require.

Recital of an Act 5 and 6 *William* and *Mary*, for raiſing the Orphans Fund.

IX. And whereas an Act was made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled, *An Act for Relief of the Orphans and other Creditors of the City of* London, whereby a Fund was eſtabliſhed for the Purpoſes therein mentioned, which ſaid Fund, and the Receipts and Diſburſements thereof, are under the Management and Direction of the Court of Lord Mayor and Aldermen of the ſaid City of *London*: And whereas, by ſeveral Acts, made in the Twenty-firſt and Twenty-ninth Years of King *George* the Second, and in the Seventh and Eighteenth Years of His preſent Majeſty, or by ſome of them, the ſeveral Proviſions for ſupporting the ſaid Fund have been continued and augmented, and further Sums of Money charged thereon for defraying the Expences of ſeveral Publick Works: And whereas the Income of the ſaid Fund has, for ſeveral Years paſt, ſo much increaſed, that if the ſaid Lord Mayor, Aldermen, and Commons, in Common Council aſſembled, were enabled to raiſe the Sum of Nine thouſand Pounds to be applied for the Purpoſes of this Act, upon the Credit of the Surpluſſes to ariſe from the ſaid Fund, ſuch Surpluſſes will be ſufficient to pay off ſuch further Charge, as well as the Whole of the Debt, and Sums of Money already charged thereon, within the Time for which the ſaid Fund is continued by the Act of the Seventh Year of the Reign of His preſent Majeſty: Be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Lord Mayor, Aldermen, and Commons, of the City of

Common Council empowered to

London, in Common Council assembled, and they are hereby authorized and empowered, at any Time or Times from and after the passing of this Act, to borrow and raise, by Annuities or otherwise, the Sum of Nine thousand Pounds upon the Credit of the said Fund, (over and above the several Sums of Money heretofore charged, and now remaining due thereon); the said Monies to be paid into the Receipt of the Chamber of the said City of *London*, by such Installments, in such Proportions, and at such Times, as the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, shall direct; and the Persons who shall contract to advance or contribute any Part of the said Monies shall, in respect of the Sums which they shall so respectively advance, be entitled to Annuities at such Rates of Interest as the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, shall think reasonable, to commence from such Time or Times as shall be agreed upon, to be payable Half Yearly, and to continue until Redemption thereof by Payments of each respective principal Sum; and that no Part of the Monies so to be lent or advanced, nor any of the said Annuities so to take place in respect thereof, shall be rated or assessed to any Tax or Assessment whatsoever.

raise a further Sum upon the Credit of the Orphans Fund.

Contributors to be entitled to redeemable Annuities.

X. And be it further enacted, That the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, shall cause a Bond, or Note, or other Security in Writing, under the Common Seal of the said City, to be delivered to every Person advancing any Part of the said Monies, for the Payment of such Annuities in respect thereof, until redeemed as is herein-after mentioned; which Bonds, Notes, or other Securities, shall be assignable by Indorsement.

Common Council to give Bonds for such Annuities assignable by Indorsement.

XI. And be it further enacted, That the said Fund called *The Orphans Fund* shall be, and the same is hereby charged and made chargeable with the Annuities which shall be payable in respect of the said Sum of Nine thousand Pounds to be borrowed and raised under or by virtue of this Act; subject nevertheless and without Prejudice to the Payment of the Interest on the principal Debts remaining due to the Orphans and other Creditors of the said City; and also the several Annuities which are or shall be payable in respect of the several principal Sums borrowed and raised upon the Credit of the said Fund by the several Acts of Parliament herein-before mentioned or referred to.

The Orphans Fund charged with such Annuities.

XII. And be it further enacted, That out of the future Surpluses of the said Fund so created, continued, and augmented, as aforesaid, (after reserving so much Money as shall be sufficient to satisfy the Interest due, and which shall at any Time be due, to the Orphans and other Creditors of the said City; as also to satisfy the Interest due, and which shall at any Time be due, on the several other principal Sums borrowed and raised by or under the said several Acts of Parliament herein-before mentioned or referred to), the said Annuities in respect of the said Sum of Nine thousand Pounds to be borrowed and raised under and by virtue of this Act, shall be paid from Time to Time as the same shall grow due before any Part of such Surpluses shall be otherwise applied as by the said Act of the Seventh Year of His present Majesty is directed; and that the Residue of such Surpluses, after such Payments as by the said several Acts are directed to be made out of the same shall be

Surpluses of the said Fund how to be applied.

be paid and ſatisfied, ſhall, from Time to Time, by Order of the Court of Lord Mayor and Aldermen of the ſaid City of *London*, (which Order the ſaid Court are hereby authorized and directed to make), be, by the Chamberlain of the ſaid City for the Time being, applied towards the Redemption of all and ſingular the Annuities to be payable in reſpect of the ſaid Sum of Nine thouſand Pounds in ſuch Order as the ſaid Court of Lord Mayor and Aldermen ſhall think fit.

Upon Notice of Redemption and Tender of the Money Annuities to ceaſe;

but the Principal to be ſtill payable.

XIII. Provided always, and be it further enacted, That the ſaid Court of Lord Mayor and Aldermen ſhall give, or cauſe to be given, Six Calendar Months Notice of their Intention to pay off ſuch Annuities, to be granted in reſpect of the ſaid Sum of Nine thouſand Pounds to the Perſon or Perſons to whom the ſame ſhall reſpectively belong, at the End of which Six Calendar Months, upon Payment or Tender of their reſpective Sums for which ſuch Annuities ſhall have been granted, to or for the Perſon or Perſons then entitled thereto, at the Office of the Chamberlain of the ſaid City for the Time being, in the *Guildhall* of the ſame City, the Annuity and Annuities payable to ſuch Perſon or Perſons reſpectively ſhall ceaſe and determine; nevertheleſs the Monies ſo tendered ſhall be paid to ſuch Perſon or Perſons upon his, her, or their Demand, and giving a Diſcharge for the ſame.

Deficiencies to be paid out of the Chamber of *London*.

XIV. Provided always, and be it further enacted, That if the Surpluſſes of the ſaid Fund, charged with the Annuities which ſhall be payable in reſpect of the ſaid Sum of Nine thouſand Pounds ſhall at any Time or Times hereafter prove inſufficient to pay off and diſcharge the ſame, then and in every ſuch Caſe, and ſo often as the ſame ſhall happen, the Sum which ſhall be wanting to complete the Payment and Diſcharge of ſuch Annuities ſhall be advanced and paid out of the Chamber of the ſaid City, and be made good and ſupplied out of the future Surpluſſes of the ſaid Fund.

The Money borrowed to be applied only for the Purpoſes of this Act; and, if any Surplus, to be applied to increaſe the Fund.

XV. And be it further enacted, That the ſaid Sum of Nine thouſand Pounds ſo to be raiſed and borrowed as aforeſaid, ſhall be applied for or towards the Purpoſes of this Act, and that no Part thereof ſhall be applicable or applied to or for any other Uſe, Intent, or Purpoſe whatſoever; and if any Surplus ſhall remain of the ſaid Sum of Nine thouſand Pounds over and above what ſhall be applied to the Purpoſes aforeſaid, ſuch Surplus ſhall be applied and appropriated for or towards the Increaſe of the ſaid Orphans Fund.

Securities to be entered in Books.

XVI. And be it further enacted, That the Chamberlain of the ſaid City for the Time being ſhall enter into a Book or Books, to be kept for that Purpoſe, all Securities for Monies borrowed, or Annuities granted, in purſuance of this Act, and all Aſſignments and Transfers thereof, expreſſing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Deſcriptions, of all ſuch Perſons as ſhall from Time to Time be entitled to ſuch Securities, and the Sums received upon ſuch Securities, and the Days whereon the ſaid Annuities reſpectively ſhall be payable; to which Book and Books all and every the Perſon and Perſons entitled to, or intereſted in, ſuch Annuities, ſhall at all ſeaſonable Times, in the Day Time, have Acceſs, with free Liberty to inſpect the ſame without Fee or Reward.

XVII. And

XVII. And be it further enacted, That, from Time to Time, there shall also be provided and kept, by the Chamberlain of the said City, for the Time being, One or more Book or Books, in which all the Monies, which by virtue of this Act shall be raised or borrowed upon the Credit of the said Fund, shall from Time to Time, as the same shall be received, be entered and set down; and wherein also all the Monies to be paid and disbursed, out of the Monies to be received, shall, from Time to Time, be entered and set down; and such Entry shall express the Time when, the Occasions for which, and the Names of the Persons to whom, the same shall be so paid. Chamberlain to keep Accounts of Receipts and Disbursements.

XVIII. And be it further enacted, That if the said Sum of Nine thousand Pounds, or any Part thereof, shall happen to be misapplied, or converted to any other Use than as aforesaid, by the said Lord Mayor, Aldermen, and Commons, in Common Council assembled, or by the Mayor and Commonalty and Citizens of the City of *London*, for the Time being, or any of their Officers, or any other Person or Persons acting under Colour of any Warrant, Power, or Authority, by, from, or under them respectively, then and in such Case the said Mayor and Commonalty, and Citizens, shall be answerable for the same out of the Revenue of the said Corporation, in any Action to be brought by any of the said Creditors, their Executors, Administrators, or Assigns; which said Sum and Sums, so recovered, shall be applied to the same Uses as the same Sums (if not misapplied) should or might have been, except that the Costs of Suit shall be deducted and retained thereout, in the first Place, for the Benefit of him, her, or them, so suing. City answerable in Case of any Misapplication.

XIX. And be it further enacted, That, in the Annual Account in and by the said Act of the Seventh Year of His present Majesty directed to be, by the Chamberlain of the said City of *London* for the Time being, laid before each House of Parliament, shall be included an Account of the Disbursements of the said Sum of Nine thousand Pounds, or of so much thereof as shall then have been raised and borrowed. Disbursements to be included in the Chamberlain's Account.

XX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to lessen or affect the Security of any of the present Creditors of the said Mayor and Commonalty and Citizens, further or otherwise than is herein expressly directed and enacted. This Act not to affect any of the City's present Creditors.

XXI. And be it further enacted, That all and every the Powers, Provisions, Clauses, Impositions, and Distributions of Penalties, and all other Matters and Things in the said Two in Part recited Acts of the Eleventh and Thirty-third Years of His present Majesty's Reign respectively enacted, contained, or prescribed, or such of them as are not hereby otherwise provided for, shall, as far as may be necessary, be applied and extended to this present Act and the Purposes thereof; and, so far as the same Powers, Provisions, Clauses, Impositions, and Distributions of Penalties, and other Matters and Things respectively are applicable thereto, shall have such and the same Force and Effect as they would have had if the same, *mutatis mutandis*, had been contained in this Act, and at large re-enacted: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, or abridge, any Privilege, Exemption, Right, or Immunity, of the Mayor For extending the Powers of the Acts of 11 and 33 *Geo.* III, to this Act.

and Commonalty, and Citizens, of the City of *London*, or of the Commiſſioners of Sewers of the ſaid City, or of the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Poſſeſſions, Revenues, and Goods, of the Hoſpitals of *Edward*, late King of *England*, the Sixth, of *Chriſt*, *Bridewell*, and *Saint Thomas the Apoſtle*, or of the Proprietors, Owners, or Occupiers, of the Ground and Soil embanked under and by virtue of an Act of Parliament of the Seventh Year of His preſent Majeſty's Reign, intituled, *An Act for completing the Bridge croſs the River* Thames, *from* Black-friars *in the City of* London, *to the oppoſite Side in the County of* Surrey, *and the Avenues thereto on the* London *Side*; *for redeeming the Tolls on the ſaid Bridge, and on* London Bridge; *for rebuilding the Gaol of* Newgate *in the ſame City*; *for repairing* The Royal Exchange *within the ſame*; *for embanking Part of the North Side of the ſaid River within certain Limits*; *and for further continuing towards thoſe Purpoſes the Impoſition of Sixpence* per *Chaldron or Ton of Coals and Culm imported into the Port of the ſaid City, eſtabliſhed by an Act of the Fifth and Sixth Years of the Reign of King* William *and Queen* Mary; *and alſo for carrying on the new Pavements in the City and Liberties of* Weſtminſter, *and Pariſhes adjacent, and in the Town and Borough of* Southwark; *and for other Purpoſes therein mentioned*; or any of them, or any other Perſon or Perſons whomſoever, but the ſame ſhall remain and continue in the ſame State and Condition, and in ſuch Force and Effect, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Expences of paſſing this Act, how to be paid.

XXII. And be it further enacted, That the Expences of paſſing this Act ſhall and may be paid out of the Monies to be raiſed and received under or by virtue of this Act.

Publick Act.

XXIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

5 FINIS.