



ANNO TRICESIMO OCTAVO

GEORGH II. REGIS.

Cap. 60.

An Act for making and maintaining a new Sewer,
upon *Little Tower Hill*, within the County of
Middlesex. [21st June 1798.]

WHEREAS there has been from Time immemorial a common and publick Sewer, Drain, and Watercourse, under *Little Tower Hill*, within the Liberty of the *Tower of London*, and within the *Tower Hamlets*, in the County of *Middlesex*, called *Tower Hill Sewer*, which receives the Waters from the City Sewer, at the Extent of the Liberties of the City, near *George Yard*, and conveys them across *George Yard* and *Tower Hill* afore said, and discharges them into the River *Thames*, near *Iron Gate Stairs*: And whereas by the great Increase of the Number of Inhabitants, and of the Buildings and Manufactories in the Neighbourhood, a much greater Quantity of Water has been thrown into the said Sewer than was formerly, and the same has lately been blown up, and upon a Survey such Sewer appears not to be sufficiently capacious to carry off the Waters, and a new Sewer of greater Dimensions is absolutely necessary to be made; but the Commissioners of Sewers acting for the *Tower Hamlets* (excluding *Saint Catharine's* and *Blackwall Marsh*) within whose Jurisdiction such Sewer runs, have not, under the General Law of Sewers, sufficient Power to make such new Sewer: 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 for His Majesty's Justices and Commissioners of Sewers acting for the Division of the *Tower Hamlets*, in the County of *Middlesex* (excluding *Saint Catharine's* and *Blackwall Marsh*) for the

Preamble.

Commission-
ers of Sewers
to cause a
new Sewer to
be made.

[*Loc. & Per.*] 9 L. Time

Time being, to cause a new Sewer or Drain to be made from the Extent of the Liberties of the City of *London*, near *George Yard*, across the said *Yard*, and across *Little Tower Hill*, to the River *Thames*, sufficiently capacious to carry off all Waters which may pass through the same; and that the said Justices and Commissioners shall and may, from Time to Time, cause the same to be enlarged, widened, deepened, raised, altered, removed, repaired, amended, cleansed, or scoured, when and as often as to them shall seem meet, and also shall and may contract with Workmen for doing thereof, in such Way, and at such Prices, as to them shall appear proper, and for any of the said Purposes may from Time to Time cause to be carted and carried out of, or brought into, the Streets or Places near or adjoining thereto, or any of them, such Earth, Gravel, Stones, Bricks, or other Materials as they shall judge necessary, and may cause the Ground for forming such Sewers to be raised or lowered, the Course or Channel running in and through the same to be turned or altered, and the Water Pipes which now lie, or hereafter shall be laid under Ground, to be taken up, and new laid in such Places, Manner, and Form, as they the said Justices and Commissioners shall judge best, and to remove all Nuisances and Obstructions that might impede the Current of Waters that shall issue through such Sewer or Drain.

Justices and Commissioners may cause any Part or Parts of the present Sewer to be repaired.

II. Provided nevertheless, and be it further enacted, That in case it shall appear to the said Justices and Commissioners, that any Part or Parts of the said present Sewer may be repaired or altered so as to render the same sufficient for the Purposes thereof, then and in such Case it shall be lawful for them, and they are hereby authorized and impowered, to cause such Part or Parts of the said Sewer to be repaired or altered accordingly, and the same shall from thenceforth be, and be deemed to be, to all Intents and Purposes, Part of the new Sewer hereby authorized to be made as aforesaid.

Commissioners may borrow Money for the Purposes of the Act by Assignment of the Rates:

III. And for the more effectually enabling the said Justices and Commissioners to execute the Purposes of this Act in the most expeditious Manner, be it further enacted, That it shall be lawful for the said Justices and Commissioners, and they are hereby empowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, not exceeding the Sum of Six thousand Pounds, upon the Credit of the Rates or Assessments to be made and payable for the said Purposes, by virtue of this Act, as herein-after mentioned, and by any Writing or Writings under their Hands and Seals to assign over the said Rates or Assessments to any Person or Persons who shall advance or lend such Money thereon, as a Security or Securities for the several Sums so borrowed, with legal Interest for the same, which Interest shall be paid and payable Half-yearly by the Treasurer or Expenditor to the said Justices and Commissioners for the Time being, out of the Monies to arise by and from the said Rates and Assessments to be made as herein-after mentioned.

Or may borrow the Money by Annuities.

IV. And whereas Persons may chuse to advance Monies for the Purchase of Annuities, to be secured upon and payable out of the said Rates and Assessments, be it therefore further enacted, That it shall be lawful for any Person or Persons from Time to Time to contribute, advance, and pay into the Hands of the said Justices and Commissioners, for the Purposes aforesaid, any Sum or Sums of Money, not exceeding in the
Whole

Whole the Sum of Six thousand Pounds, for the absolute Purchase of One or more Annuity or Annuities to be paid and payable for any Term or Number of Years, or during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship; all which Annuities so to be purchased shall be payable and paid by the Treasurer or Expenditor for the Time being, out of the Monies to arise by or from the Rates or Assessments herein-after mentioned, by Four equal Quarterly Payments, the First Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of the First Quarter after the Payment of their respective Purchase Monies.

V. And be it further enacted, That the Clerk of the said Justices and Commissioners for the Time being shall enter in a Book or Books, to be for that Purpose provided and kept by the said Justices and Commissioners, all Securities for Monies borrowed, and Annuities granted by virtue and 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 also the Names, Surnames, Additions, Places of Abode, and other Descriptions of the Persons for whose Lives the said Annuities shall be respectively granted, and the Days whereon the said Annuities shall respectively be payable, to which Book and Books the Person and Persons entitled to and possessed of such Assignments and Annuities, and all and every the Person and Persons liable to the Payments of the said Rates and Assessments, shall at all reasonable Times have Access, with free Liberty to inspect the same, without Fee or Reward.

Securities to
be entered in
Books.

VI. And be it further enacted, That all and every Person and Persons who shall purchase such Annuity or Annuities, and shall duly pay the Purchase Monies for the same, and his, her, and their Executors, Administrators, or Assigns, shall have, receive, and enjoy the respective Annuity and Annuities so purchased, and shall have good, sure, absolute, and indefeasible Estates and Interests in the said Annuities respectively, according to the true Tenor and Meaning of this Act; and every such Purchaser shall, upon Payment of his or her Purchase Money as aforesaid, have an Order on Parchment or Vellum for Payment of the Annuity or Annuities so purchased by him or her, which Order shall be signed by them the said Justices and Commissioners, and after signing thereof shall be firm, good, valid, and effectual in the Law, according to the Purport and Meaning thereof, and of this Act.

Purchasers of
Annuities to
be secured
therein.

VII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Assignments or Securities aforesaid, his, her, or their Executors, Administrators, and Assigns, at any Time or Times, by Writing under his, her, or their Hand or Hands respectively, to assign or transfer such Assignments or Securities, to any Person or Persons whomsoever, and so *toties quoties*, and such Assignments or Transfers, after they shall respectively be entered by the Clerk of the said Justices and Commissioners in Manner aforesaid, which he is hereby

Securities may
be assigned.

required

required to do upon Payment of such Fee or Reward as the said Justices and Commissioners shall from Time to Time appoint, shall entitle the Person or Persons to whom they shall be respectively made, or his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Assignments or Securities so assigned or transferred.

Monies borrowed, and Annuities granted, to be charged on the Rates.

VIII. And be it further enacted, That all and every the Sum and Sums of Money so to be advanced and lent, and the Interest thereof, and all and every the Annuity and Annuities so to be purchased, shall be, and they are hereby charged upon, and shall be paid and payable, from Time to Time, out of the Monies arising from the Rates and Assessments to be rated and assessed by virtue of this Act; and all Persons who shall be possessed of such Assignments or Securities shall be Creditors in equal Degree, without Reference or Respect to the Priority of his, her, or their advancing the Money thereon.

For laying Rates.

IX. And be it further enacted, That it shall be lawful for the said Justices and Commissioners, by Writing under their Hands, from Time to Time, when it shall appear to them necessary, to make, lay, and assess, One or more Rate or Rates, Assessment or Assessments, upon all and every Person and Persons, Landlords, Owners, and Occupiers of any House, Land, Shop, Warehouse, Cellar, or other Tenement or Hereditament, which receive or may receive any Benefit, or avoid any Damage, or might sustain an Injury by the Neglect of such Sewer, situate and being within the Limits of the *Tower Hamlets*, (excluding *Saint Catharine's* and *Blackwall Marsh*), for raising such competent Sum and Sums as the said Justices and Commissioners shall, from Time to Time, judge needful or necessary, which Rate or Rates, Assessment or Assessments, shall be made upon Three Fourths of the Rack Rent or Yearly Value of their respective Premises; and all such Rates or Assessments shall and may be levied, collected, and recovered, in such and the same Manner as any other Rates or Assessments to be made and laid by the said Justices and Commissioners may be levied, collected, and recovered, by virtue or force of the general Law of Sewers now in being.

Tenants to pay Rates.

X. And be it further enacted, That all and every Tenant and Occupier, and others that shall be in Possession of any Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement or Hereditament, liable to be rated or assessed, under or by virtue of this Act, shall be liable to pay all and every the Rates and Assessments that shall be rated and assessed to the making or repairing the said Sewer, for or in respect of the Premises by him, her, or them respectively occupied, and all Arrears thereof, whether he, she, or they be rated or not.

For collecting the Rates for Premises let to different Tenants.

XI. And whereas there are divers Houses and Tenements within the said Limits, which are or may, by the several Owners or Proprietors thereof, or their Undertenants, be let out in Lodgings or Tenements, some furnished and others unfurnished, whereby Part of the said Rates or Assessments to be made as aforesaid, may be evaded; for Remedy whereof, be it further enacted, That it shall be lawful for the said Justices and Commissioners, from Time to Time, and at all Times hereafter, to rate, assess, and demand and collect, from the Owner or Owners of the said Houses or Tenements, or his or their Tenant or Tenants, who shall let

let out such Houses or Tenements in separate Apartments, the Monies mentioned in such Rates and Assessments, and he, she, or they shall be subject to pay the same, whether he, she, or they be rated or not; and the Person or Persons so renting or occupying any separate Apartments in such House or Tenement, is and are hereby required and authorized to pay such Sum and Sums of Money as shall be rated or assessed as such, and shall be due, and may deduct the same out of the Rent thereof; and the Owner or Owners, Proprietor or Proprietors thereof, are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of the Rents; and every such Tenant paying such Rate or Assessment, shall be acquitted and discharged for so much Money as the said Rate or Assessment shall amount unto, as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent should have been paid, or shall have been due and payable, and in Default of Payment of the said Rate or Assessment, the same shall remain and be charged upon the Premises in respect whereof the same shall be laid as aforesaid, and the said Premises shall be subject and liable to the several Laws now in being relative to the general Law of Sewers.

XII. And be it further enacted, That it shall be lawful for the said Justices and Commissioners to rate and assess all Dead Walls and Spaces of Ground fenced in, or otherwise, at such Rate as the said Justices and Commissioners shall adjudge reasonable, not exceeding One Penny in every Square Yard belonging thereto, and also to rate and assess, according to the Yearly Rent or Value, all Meeting Houses, and all other Places of publick Worship, (except Parish Churches and Chapels), and the Burying Ground thereunto belonging, and all Ground used for Burial Places, and all publick Buildings; and such Rate and Rates, Assessment and Assessments, so to be from Time to Time made, shall be paid by the respective Persons following; (that is to say), for every Dead Wall or vacant Piece of Ground, by the Owner or Owners, Proprietor or Proprietors, or other Person receiving the Rents, or being in the Possession thereof; for every Meeting House or other Place of publick Worship aforesaid, with the Ground thereunto belonging, by the Proprietor or Proprietors, Trustee or Trustees, or their Treasurer, Minister, or Deacon, or other Person officiating therein; and every Burial Ground, or other publick Building, by the Treasurer, Trustee, or other Person or Persons who have or hath the Care thereof, or the receiving of any Money therefrom, either by himself or in Trust for others; and in case any of the Persons aforesaid shall refuse or neglect to pay any of the said last mentioned Rates to the Collector or Collectors, upon personal Demand thereof, or in Writing left at the usual Place of Abode of the Person or Persons required to pay the same, then and in every such Case the same shall and may be recovered of the Person or Persons so required to pay the same.

Dead Walls,
Meeting
Houses, &c.
to be assessed.

Who shall pay
Assessments.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void, any Agreement made or to be made between Landlord and Tenant.

Agreement
between
Landlord and
Tenant not
affected.

XIV. And be it further enacted, That it shall be lawful for the said Justices and Commissioners, from Time to Time, to compound with the
[Loc. & Per.] 9 M Proprietors

Commissioners
of Sewers
may com-
pound for
Rates;

Proprietors or Undertenants for any Number of Houses or Tenements to be rated by virtue of this Act.

and may alter Rates.

XV. And be it further enacted, That it shall be lawful for the said Justices and Commissioners, from Time to Time, as they shall see Occasion, to add to, alter, or amend, all and every or any Rate or Rates which shall be made by them, and such Rate and Rates shall be good and valid to all Intents and Purposes whatsoever.

For paying Salaries to Officers.

XVI. And be it further enacted, That it shall be lawful for the said Justices and Commissioners to pay or give such additional or other Salary, Gratuity, or Allowance, to their Clerk, Surveyor, and other Officers, as they shall think proper.

Sewers, and Materials used in and about the same, vested in Commissioners.

XVII. And be it further enacted, That the Property of the said Sewer, and all Materials and Things used or to be used in or about the making or repairing thereof, shall be, and the same are hereby vested in the said Justices and Commissioners for the Time being, who are hereby authorized and empowered to prefer or order the preferring of Indictments against any Person or Persons who shall steal, take, or carry away, all or any Part of such Materials and Things, in the Name and Description of *The Commissioners of Sewers for the Tower Hamlets, exclusive of Saint Catherine's and Blackwall Marsh*, or otherwise, as herein-after is mentioned, and in case such Name or Description, or otherwise, as herein-after is mentioned, to bring or cause to be brought any Action or Actions for the Recovery of the Materials or Things so taken or carried away.

For calling Courts of Sewers when necessary.

XVIII. And be it further enacted, That when and so often as it shall be necessary for the said Justices and Commissioners to give any Orders or Directions touching the Works hereby directed, or for any other Purpose, it shall be lawful for the Clerk belonging to the said Justices and Commissioners, to summon or call a Court of Sewers, and such Court is hereby required, then, or at any Adjournment thereof, to exercise the several Powers and Authorities with which they are or shall be invested.

Proceedings not to be quashed for Want of Form.

XIX. And be it further enacted, That no Proceedings to be had touching any Offender or Offenders against this Act, or any Rate or Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form.

Proceedings of the Commissioners to be deemed Originals.

XX. And be it further enacted, That all Orders and Proceedings of the said Court of Sewers at their Sitzings shall be deemed and taken to be original Orders, and shall and may be produced and read in Evidence in all Courts whatsoever.

General Laws of Sewers to remain in full Force within the Tower Hamlets.

XXI. And be it further enacted, That the several Laws now in being, relating to the Sewers of this Kingdom, shall continue in Force, and may be exercised by the said Justices and Commissioners within the said *Tower Hamlets*, excluding *Saint Catherine's* and *Blackwall Marsh*, and that this Act, nor any Thing herein contained, shall not take away, derogate from, invalidate, lessen, or affect, any of the Powers or Authorities vested or to be vested in the said Justices and Commissioners.

XXII. Provided always, and be it further enacted, That all and every For appointing a Quorum. the Powers, Authorities, Directions, Matters, and Things, by this Act given to or vested in; or directed to be done or executed by or before the said Justices and Commissioners for the Time being, shall and may be exercised and done by or before any Five or more of them, and all such Acts, Matters, and Things, shall be of as full Force and Effect as if done or executed by or before all the said Justices and Commissioners.

XXIII. And be it further enacted, That no Action or Suit shall be Limitation of Actions. commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Clerk for the Time being of the said Justices and Commissioners, nor after sufficient Satisfaction, or Tender of Amends, hath been made to the Party or Parties aggrieved, nor after Four Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be brought; and every such Action or Suit shall be brought, laid, and tried in the County of *Middlesex*, and not in any other County, City, or Place; and the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any 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 brought, was done in pursuance and by the Authority of this Act; and if such Matter shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or after sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County, City, or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, Suit or Suits, or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgement shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

XXIV. And be it further enacted, That all the Monies to arise, be Application of Monies. collected, or received by, from, under, or in pursuance of the said Rates or Assessments, and which may be borrowed on the Credit thereof, as herein mentioned, and also all other Money which shall come to the Hands, Custody, or Power of the said Justices and Commissioners by virtue of this Act, shall be applied in the First Place towards the defraying all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and the Remainder of such Monies shall from Time to Time be applied and disposed of in paying the Principal and Interest Monies to be borrowed, and the Annuities to be granted as herein mentioned, and in defraying the necessary Costs, Charges, and Expences of carrying this Act into Execution, and to and for no other Use or Purpose whatever.

XXV. And

Publick Act.

XXV. And be it further enacted, That this Act shall be deemed a Publick Act, and shall be considered and allowed in all Courts of Justice and elsewhere as 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1798.