ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. xxxviii.

An Act for enabling the Metropolitan Sewage Manure Company to alter the Line of their Works, and for other Purposes.

[21st *June* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to incorporate a Company by the Name of "The Metropolitan Sewage Manure Company:"* (9 & 10 Vict. c. 398.) And whereas it is expedient that the said Company should be enabled to make an Alteration in the Line or Course of the Works as authorized by the said recited Act, and to construct the Works herein-after mentioned: And whereas it is expedient that some of the Powers and Provisions of the said recited Act should be altered, amended, extended, and enlarged, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 all the Provisions contained in the said recited Act, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes thereof, and to the

Provisions of recited Act extended to this Act.

several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things, and the said recited Act and this Act shall be construed and read together as forming One Act.

Power to raise Money by Creation of new Shares, and to form Part of general Capital.

II. And be it enacted, That it shall be lawful for the said Metropolitan Sewage Manure Company to raise the Sum of Twenty thousand Pounds by the Creation of new Shares or Stock, in addition to the Sum of Money authorized to be raised by the said recited Act, upon such Terms and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose, and the new Shares or Stock to be created by virtue of this Act shall be considered Part of the general Capital of the Company.

Power to borrow Money on Mortgage.

III. And be it enacted, That after Shares for the whole of the Capital in Shares by this and the said recited Act limited or authorized to be raised shall have been taken, and One Half of such Capital shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sum authorized to be raised by the said recited Act, the Sum of Six thousand six hundred Pounds, and to secure the Repayment of the Sum so to be borrowed, with Interest, by Mortgage of the Undertaking, as by the Companies Clauses Consolidation Act, 1845, provided, and subject to the several Provisions therein contained with respect to the borrowing of Money on Mortgage.

Former Mortgages to have Priority.

IV. Provided always, and be it enacted, That all Mortgages or Bonds granted under the Authority of the said recited Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Mortgages and Transfers, &c., to be stamped.

V. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Stock, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Act or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated; any thing herein or in the said recited Act contained to the contrary notwithstanding.

Power to make Works according to deposited Plans, on obtaining certain Consents.

VI. And whereas Plans and Sections showing the Line and Levels of the Works by this Act authorized to be made, together with a Book of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the same Works respectively, have been deposited with the Clerks of the Peace for the County of *Middlesex* and the City and Liberty of *Westminster* respectively; be it enacted, That if the said Company shall obtain the Sanction and Consent of the Commissioners of Sewers for the City and

and Liberty of *Westminster* and Part of the County of *Middlesex* to the drawing off the Sewerage and Drainage from the *King's Scholars Pond* Sewer, in manner by the said recited Act provided, and if the said Company shall obtain the Sanction and Consent of the said Commissioners to the breaking up the Streets and Sewers in manner herein-after provided, it shall be lawful for the said Company to make and maintain the Works herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line delineated on the said Plans and Sections, and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Before constructing Works Notice to be given to Commissioners of Sewers.

VII. And be it enacted, That before the said Company shall proceed to construct the said Tunnel or Works, or any Part thereof, or before the breaking up or interfereing with any Streets or Places within the Limits of the said Commissioners of Sewers, for the Purpose of any Works of the said Company, Twenty-eight Days Notice in Writing shall be given by the said Company to the said Commissioners, and such Notice shall contain full Particulars of the Works to be executed, and of the Mode in which it is proposed to execute the same; and no such Works shall be proceeded with unless and until the said Commissioners shall have been satisfied that the same can be executed without Injury to any Sewers, Drains, or Watercourses within the said Limits, or that the said Company shall have consented to such Regulations and Conditions for guarding against Injury to the said Sewers, Drains, and Watercourses, and for providing proper Means of draining and sewering such Limits during the Progress of such Works, and otherwise, and for securing the said Commissioners full Power to control all such Works during any Repair thereof, and at all Times and generally as the said Commissioners shall deem necessary to make in this Behalf, and the said Commissioners are hereby empowered to make all such Orders and Regulations as they may deem necessary in the Premises; and that if the said Commissioners shall by Order sanction such Works, the same shall be proceeded with, so far as the said Commissioners may deem necessary, under the Superintendence and Control of the said Commissioners, as completely and fully as the Works mentioned in the recited Act are made subject to the Control of the said Commissioners; and the Power to divert Sewers, and all other Powers reserved to the said Commissioners, as contained in the recited Act, shall continue in full Force.

Works to be constructed under Superintendence of Commissioners of Sewers.

Notice to be given by Publication in Newspapers of Intention to apply to Commissioners of Sewers for their Consent.

VIII. And be it enacted, That the said Company shall, before the applying to the said Commissioners of Sewers for their Sanction and Order, as herein-before provided, give Twenty-one Days Notice of their Intention so to apply to the said Commissioners, such Notice to be published in Three public Newspapers in *London*, *videlicet*, the *Times*, the *Morning Herald*, and the *Standard*, once in each Week, immediately preceding the Time of such Application, and at the same Time Maps, Plans, and Sections, and Particulars of the proposed Works, shall be deposited by the said Company at the Office of the said Commissioners, to be open to the Inspection of all Parties without Fee or Reward.

IX. And

For providing against Obstruction or Interference to Drainage.

IX. And be it enacted, That if the Works to be done under this Act shall at any Time be abandoned, or the Operations under this Act cannot or be not effectually carried on, and it shall be found or apprehended that the Drainage of the District shall or may be obstructed or interfered with, the said Commissioners of Sewers may enter and do all such Works as may be necessary, or take possession of the Works so as to secure the Public against any Damage or Injury; and any Expence which may be incurred thereby shall be paid by the said Company, and be recovered by the said Commissioners of Sewers by Warrant of Distress under the Hands and Seals of the said Commissioners, or be recovered as a Debt by any other Means.

Description of Works.

X. And be it enacted, That the said Works to be constructed under the Authority of this Act shall be the following; (that is to say,) an Aqueduct or Conduit commencing in the Parish of *Saint George Hanover Square* in the County of *Middlesex* at or near the Station of the Company near the Skew Bridge on the *King's Scholars Pond* Sewer in the *Vauxhall Bridge Road*, and terminating at or near the *Broadway* in *Hammersmith*, all in the County of *Middlesex*, together with all necessary Stations, Pipes, Engines, Works, and Conveniences connected therewith, which said Aqueduct or Conduit and Works will pass from, in, through, or into or be situate within the several Parishes, Townships, and extra-parochial or other Places of *Saint George Hanover Square*, *Saint Luke Chelsea*, *Upper Chelsea*, *Brompton*, *Saint Mary Abbotts Kensington*, *Fulham*, and *Hammersmith*, or some of them, all in the County of *Middlesex*.

Errors and Omissions in Plans, &c. to be corrected by Justices, who shall certify the same.

XI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or in the said Book of Reference, or on the Plans and Book of Reference referred to in the recited Act, so far as relates to the Portion of the Works hereby authorized which the Company are not by this Act required to abandon, it shall be lawful for the Company, having given Ten Days previous Notice to such Owners, Lessees, or Occupiers, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the said Clerks of the Peace, and shall also be deposited with the Parish Clerk of the Parish in which the Lands affected thereby shall be situate; and such Certificate shall be kept by such Clerks of the Peace and Parish Clerk respectively along with the other Documents to which they relate, and thereupon such Plans or Books of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate,

Certificate to be deposited.

Works to be commenced at Stanley Bridge.

XII. And be it enacted, That the Works of the Company shall be commenced at *Stanley Bridge* in the Parish of *Fulham* in the County of *Middlesex*; and that no Shaft, Tunnel, or other Works whatsoever

whatsoever shall be commenced, made, or constructed by the Company Eastward of the *Commercial Road, Pimlico*, until the Tunnel Westward of such Road shall have been completed, and until the Engine for the Works of the Company shall have been completed, and shall have been in actual Operation for the Distribution of Sewage for agricultural Purposes, for the Space of Two Calendar Months.

As to the Commencement of certain other Works.

XIII. And be it enacted, That no Works shall be commenced by the Company Eastward of the *Commercial Road* aforesaid until after the Sum of Ten thousand Pounds shall have been invested by the Company in manner herein-after directed as a Fund of Indemnity, Protection, and Compensation, in respect of any Injury or Damage that may happen to be occasioned to any House, Ground, or Property in *Saint George's Street*, or *Warwick Street, Pimlico*, as herein-after provided.

No Works to be commenced Eastward of Commercial Road until a Fund of Indemnity invested.

XIV. And be it enacted, That the Shafts to be sunk for the Works of the Company in *Warwick Street* or *Saint George's Street* shall not exceed Six Feet in Diameter in the clear, and that the same shall be properly hoarded in, and that the Hoarding shall not exceed Ten Feet in Width or Thirty Feet in Length, and that the same shall be so placed as to allow ample Way for Carriages to pass along the Streets or Roads respectively wherein the same shall be placed, and that all Bricks, Earth, and other Materials, and all Matters and Things excavated from the said Tunnel or Shafts, or used for or connected with the Works of the Company, shall be deposited within the Hoarding, and not placed in the Roadway, and that all Earth and Materials to be excavated, and that shall not be required for the Works, shall be deposited at such Place, not exceeding the Distance of One Mile according to the Carriage Road or Way from the Shaft whence the same may be taken, as shall be approved by *Thomas Cubitt* of *Eaton Place, Pimlico*, Builder, the Lessee of the Marquess of *Westminster* of the adjacent Property, when or in case he shall give Notice for that Purpose to the Company.

Regulating Construction of Works in Warwick Street and St. George's Street.

XV. And be it enacted, That One Shaft only shall be sunk in *Warwick Street*, and that the same shall be sunk on the North-west Side of *Warwick Street* at the Corner of *Belgrave Road*, and on the North-east Side of such last-mentioned Road; and that One Shaft only shall be sunk in *Saint George's Street*, and that such Shaft shall be sunk at the End of *Warwick Street*; and that, notwithstanding any thing in the said recited Act or in this Act contained, it shall not be lawful for the Company to cause the Road or Ways of either of the said Streets to be broken up or disturbed, except for the Purpose of forming the said Shafts, without the Consent of the Owner or Owners for the Time being of the Soil of such Street, so long as such Streets respectively shall not have become public Streets, and under the Management of the Parish, or when and as the same Streets respectively shall have become public Streets, and subject to the Management of the Parish, then without the previous Consent of the District or other public Officer for the Time being having the Management and Care of the said Streets respectively.

Further Regulations as to the Construction of such Works.

For preventing Delay in Completion of Works.

XVI. And be it enacted, That whenever the Works for forming such Tunnel under *Warwick Street* or *Saint George's Street* aforesaid shall have been commenced by the Company, the same shall be proceeded with and completed with all possible Despatch; and that whenever, after Forty-eight Hours Notice from any Person having any Interest in any House or Ground in and abutting on the Street in or under which any such Works may be in progress, the same Works shall not be proceeded with as aforesaid, then and in any such Case the Company shall forfeit and pay a Penalty of Ten Pounds *per Diem* to any such Person so giving Notice and enforcing such Penalty, provided that more than One such Penalty shall not be recovered for One and the same Offence.

When Works for which Shafts were sunk are completed, Streets to be restored, &c.

XVII. And be it enacted, That when the Works for which the said Shafts respectively may be sunk shall be completed, then the same Shafts respectively shall be efficiently and permanently filled up, and the Hoardings for the same shall be removed, and the Streets and Roads which shall have been broken up or destroyed for such Works shall be restored by the Company with as little Delay as possible; and that upon any Neglect or Default in such Behalf by the Company, for Forty-eight Hours after Notice in any such respect from any Person interested in any Land or House in or adjacent to such Street respectively wherein such Shafts may have been made, then such Person or Persons may forthwith proceed to fill up such Shafts, remove such Hoarding, and restore such Street respectively, as the Case may require; and the Company shall, on Demand, pay to such Person or Persons all Expences which shall have been incurred by him or them in every or any such Behalf; and in default of the Payment thereof the same may be recovered from the Company in like Manner as any Penalties or Compensation may be recoverable from the Company under or by means of the Provisions of the said recited Act or this Act.

As to Investment of Fund of Indemnity.

XVIII. And be it enacted, That the said Sum of Ten thousand Pounds herein-before required to be provided by the Company shall be invested by the Company in the Purchase of Three Pounds *per Centum* Consolidated Annuities or Three Pounds *per Centum* Reduced Annuities, in the Name and to the Credit of the Accountant General of the High Court of Chancery, in the Books of the Governor and Company of the Bank of *England*, to an Account to be entitled "The Metropolitan Sewage Manure Company Compensation Fund;" and that no Portion of the Stock in which such Investment may be made shall be sold out or transferred for the Benefit of the Company until the Expiration of Five Years after the Completion of all Works in *Warwick Street* and *Saint George's Street*, to the Intent that in the meantime the Amount of Stock in which the said Sum of Ten thousand Pounds shall be so invested shall form a Fund of Indemnity, Protection, and Compensation for or in respect of and for all Damage and Injury which may be done to any Houses or Buildings now or hereafter to be erected in *Warwick Street* or *Saint George's Street* aforesaid, or on any Ground adjacent to or abutting on such Streets respectively, by reason or in consequence of the Operations of the Company in constructing their Shafts

or Tunnel or other Works; and that any Person or Persons whose Property in such Streets or either of them may sustain any such Injury or Damage, and who shall in any Action, Suit, or Proceeding on account thereof have obtained any Verdict, Judgment, or Decision against the Company for any Damages or Compensation in respect thereof, may, at his or their Option, recover or procure Payment of the same, together with the Costs of such Action, Suit, or Proceeding, either by the ordinary or usual Means, according to the Nature of such Action, Suit, or Proceeding, or by Petition to the High Court of Chancery, and by an Order to be obtained thereon in a summary Way, for Payment of such Damages or Compensation and Costs, out of such Fund of Indemnity, Protection, and Compensation, together with the Costs of such Application: Provided always, that in case and when and as the Satisfaction or Payment of all or any such Damages or Compensation and Costs cannot be obtained by the ordinary or usual Means, in case the Parties shall elect to resort thereto, then recourse for Satisfaction of such Damage or Compensation may be had to such Petition and summary Order thereon as aforesaid, or in case such Petition and summary Order shall be resorted to in the first place, but without obtaining thereby such Satisfaction or Payment, then that any other Means may be taken for obtaining the same.

At the Expiration of Five Years. Fund of Indemnity to be returned to the Company.

XIX. And be it enacted, That at the Expiration of such Period of Five Years the said Court of Chancery, on the Petition of the Company, shall direct the said Fund of Indemnity, Protection, and Compensation, or so much thereof as may remain unapplied to the Purposes aforesaid, to be transferred to the Company, or as they may direct, upon an Affidavit from the Clerk or Secretary to the Company that the Works of the Company in *Warwick Street* and *Saint George's Street* are completed, and that to the best of his Knowledge, Information, and Belief there is not any Claim thereon then subsisting and remaining unsatisfied: Provided always, that in case any Claim be then subsisting which may be disputed by the Company, the said Court may, on such Petition, direct so much of the said Fund as may be deemed sufficient to meet such Claim to be retained, and the Residue thereof to be transferred as aforesaid; and furthermore, that, subsequently, on any Affidavit from the Clerk or Secretary to the Company that such Claim hath been satisfied or been decided against, the said Court may direct the Funds so retained, or the Residue thereof that may not have been applied for satisfying such Claim, to be transferred unto the said Company, or as they may desire.

Power to abandon Portion of Line of Works.

XX. And be it enacted, That the said Company shall and they are hereby required to abandon the Construction of so much of their Works, as authorized by the said recited Act, as were intended to be situate between the Station of the Company near the Skew Bridge on the *King's Scholars Pond* Sewer near the *Vauxhall Bridge Road* and the *Broadway* in *Hammersmith*, all in the County of *Middlesex*, and which by reason of the Construction of the new Works by the Act authorized will become unnecessary, and from and after the passing of this Act all the Powers and Authorities by the said recited

Act

Act granted to the Company for making and maintaining such Portions of the said Works shall cease and determine.

Interest may be paid on Calls.

XXI. And be it enacted, That it shall be lawful for the Directors of the Company, from and after the passing of this Act, and from thenceforth until the Works of the Company shall be completed, to pay Interest at any Rate not exceeding Five Pounds *per Centum per Annum* on all Sums already called up or hereafter to be called up in respect of the Shares in the said Company, from the respective Days on which the same shall have been paid, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear, in respect of any such Share, or any other Share to be holden by the same Proprietor, during the Period while such Call shall remain unpaid.

Quorum of Directors.

XXII. And be it enacted, That from and after the passing of this Act Three Directors of the Company shall form a Quorum.

Expences of Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company out of the first Monies that shall come to their Hands after the passing thereof, and in preference to any other Payment whatsoever.

Short Title.

XXIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe it by the Title of "The Metropolitan Sewage Manure Act Amendment Act, 1847."

Public Act.

XXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.