ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 157.

An Act for amending an Act for better supplying the City and Liberties of *Westminster* and Parts adjacent with Water, and for enlarging the Powers thereof. [10th *June* 1809.]

WHEREAS by an Act passed in the Eighth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for the better supplying the City and Liberties of Westminster and Parts adjacent with Water*; after reciting, That by reason of the great Increase of Buildings and Inhabitants in and about the City of *Westminster*, the Liberty thereof, and other Places in the County of *Middlesex*, there were greater Occasions for Water for the Safety and necessary Uses of the said Inhabitants than were supplied by the Waterworks then in being, and that great Advantages would accrue if new Waterworks were erected in convenient Places for providing and supplying the said Inhabitants with good and wholesome Water from the River *Thames*, by one or more Cut or Cuts to be made at any convenient Place or Places between the Grounds belonging to The Royal Hospital at *Chelsea* and the Houses or Grounds called The Neat Houses, in the County of *Middlesex*, into Canals and Ponds proper for receiving the same, and from thence to convey and raise such Water into convenient Reservatories to be erected or made at any Place or Places between the Places called *Oliver's Mount* and *Hyde Park*; for the Purposes of that Act, it is enacted, that the several Persons therein named should be and they were thereby appointed Commissioners, Undertakers, and Trustees, for designing, carrying on, and effecting the Purposes aforesaid, and for directing, ordering, and making such Waterworks, and for maintaining, preserving, and supporting the same, and that the Property thereof should be vested in the same Commissioners, Undertakers, and Trustees, and their Successors; and it is (among other Things) further 8 G. 1. c. 26.

enacted, that it ſhould be lawful for His Majeſty, His Heirs, and Succeſſors, by Letters Patent under the Great Seal of *Great Britain*, to incorporate all and every the Commiſſioners, Undertakers, and Truſtees, appointed by that Act, or ſuch of them as ſhould be then living, and ſuch others as His Majeſty, His Heirs, and Succeſſors, ſhould think fit, to be one Body Politic and Corporate in deed and in name, by the Name and Title of "The Governor and Company of *Cheſſea* Waterworks;" And it is thereby provided, that the ſaid Commiſſioners, Undertakers, and Truſtees, and their Succeſſors, before they meddled with, or cut, dug, or altered the Lands and Inheritance of any Perſon or Perſons, ſhould firſt agree with the Owners, Proprietors, or Tenants thereof for ſo doing; and it is thereby alſo enacted and provided, that nothing therein contained ſhould extend or be conſtrued to extend, to prejudice or take away any Right, Property, or Juriſdiction, of the Mayor, or Mayor, Commonalty, and Citizens of the City of *London*, to in and upon the River of *Thames*; nevertheleſs that it ſhould be lawful as there ſhould be Occaſion for effecting the Purpoſe aforeſaid, to cut and dig the Bank or Wall of the River *Thames* within the Limits aforeſaid: And whereas in purſuance of the ſaid recited Act, His Majeſty King *George* the Firſt, by Letters Patent dated at *Weſtminſter* the Eighth Day of March in the Ninth Year of his Reign, did give, grant, conſtitute, declare, and appoint, that the ſeveral Perſons therein named, and ſuch others as ſhould be admitted into the ſaid Company according to the Directions and Regulations thereinafter mentioned, from thenceforth ſhould be one Body Corporate and Politic in deed and in name, by the Name and Title of "The Governor and Company of *Chelſea* Water-"works:" And whereas in conſequence of the Leaſe under which the ſaid Governor and Company of *Chelſea* Waterworks now hold the Land or Ground through which the Cuts authorized to be made by the ſaid recited Act, for conveying Water from the River *Thames* for ſupplying the ſaid Waterworks, being nearly expired, the ſaid Company may be deprived of the Benefit of the Cuts ſo already made as aforeſaid: And whereas by reaſon of the great Increaſe of Buildings within the City and Liberties of *Weſtminſter* and Parts adjacent, and the conſequent Increaſe of Inhabitants in thoſe Parts, the ſaid Governor and Company have found it expedient, in order to ſupply the ſaid Inhabitants with Water, to extend and enlarge their ſaid Waterworks: And whereas the ſaid Governor and Company for the Purpoſe of carrying on, extending, and enlarging the ſaid Waterworks, and for the better Supply of the ſaid City and Liberties of *Weſtminſter* and Parts adjacent with Water, intend forthwith or as ſoon as may be to erect and build upon a Piece or Parcel of Freehold Land or Ground ſituate at or near the ſaid Place or Grounds called The Neat Houſes, of which they are lawfully ſeiſed, other Works for raiſing Water: And whereas it would be convenient and beneficial to the ſaid Governor and Company, if they were empowered to procure Water from the ſaid River *Thames* for the Purpoſes aforeſaid, by the means of Pipes, Trunks, or Aqueducts, to be carried into the Bed of the River *Thames* to or beyond Low Water Mark, inſtead of obtaining it by the means of Cuts: And whereas in proſecution of the Works intended to be made by the ſaid Governor and Company, for better ſupplying the ſaid City and Liberties of *Weſtminſter* and Parts adjacent with Water, it may be found neceſſary or convenient by the ſaid Governor and Company to purchaſe Lands for more conveniently carrying

ing on their ſaid Works: And whereas the ſaid Governor and Company are deſirous, as well of effecting the Purpoſes aforeſaid as of obtaining ſuch further Proviſions as hereinafter mentioned for preſerving and defending the ſaid Waterworks, and the Property, Rights, and Intereſts, of the ſaid Governor and Company therein; but the ſame cannot be effectually done without the 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 for the ſaid Governor and Company of *Chelſea* Waterworks, by their Servants, Workmen, or others, with the Approbation of the Mayor, Aldermen, and Commons of the City of *London*, in Common Council aſſembled, firſt had and obtained in Writing for that Purpoſe, and under the Direction of the Clerk of the Works for the Time being, appointed or employed by or under the Authority of the ſaid Mayor, Aldermen, and Commons, to cut and dig the Bank or Wall of the ſaid River *Thames*, belonging to any Lands, Tenements, or Premiſes, whereof the ſaid Governor and Company ſhall be the Proprietors, Owners, and Occupiers, in the Pariſh of *Saint George Hanover Square*, between *Ranelagh Creek*, and Six hundred Feet to the Eaſtward of the Flood Gates leading to the Wharfs at *Pimlico*, and alſo to cut and dig into the Shore and Bed of the ſaid River in any Right Line from or oppoſite to any ſuch Lands, Tenements, or Premiſes, to the Diſtance of Two hundred and forty Feet from the Bank of the ſaid River, extending beyond Low-water Mark into the Bed of the ſaid River, from ſuch Lands, Tenements, and Premiſes, and to lay or drive therein a Pipe or Pipes, Trunk or Trunks, for drawing Water from the ſaid River, and for conveying or for admitting or receiving the ſame into any Cut or Cuts, Pond or Ponds, or any other Reſervoir or Receptacle of the ſaid Governor and Company, for ſupplying Engines, Pumps, Ciſterns, Drains, and other Works and Devices which the ſaid Governor and Company have already made or ſhall think fit to make for effecting the Purpoſes and for obtaining the Benefit of the ſaid recited Act and of this Act; and alſo to conſtruct, place, and erect, with ſuch Approbation and under ſuch Direction as aforeſaid, a Frame or Frames, with Gratings for the Water to paſs through, agreeably to and according to the Bottom of the Model produced by the ſaid Governor and Company, and now remaining in the Office of the Town Clerk of the ſaid City of *London*, at, upon, or over the End or Extremity of the ſaid Pipe or Pipes, Trunk or Trunks, for drawing, conveying, admitting, or receiving Water as aforeſaid, ſuch Frame or Frames not to exceed altogether the following Dimenſions, that is to ſay, in Length Twenty Feet, in Width Twelve Feet, and in Height not more than Twenty-two Inches from and above the Bed of the ſaid River: Provided always, that during the Continuance of ſuch Frame or Frames in the ſaid River as aforeſaid, the ſaid Governor and Company ſhall provide and moor or cauſe to be provided and moored, under ſuch Direction as aforeſaid, two proper and ſufficient round Buoys, that is to ſay, one of ſuch Buoys at each End of the ſaid Frame, in ſuch Manner as that one of the ſaid Buoys ſhall be floating over the ſaid Frame at all Times of the Tide, for the Purpoſe of preventing Barges and other Veſſels from running upon or over the ſame.

The Governor and Company may cut the Bank, &c. of the River Thames, beyond Low water Mark, and to lay Pipes therein.

II. And

Bodies Politic and Corporate, Tenants for Life, and other incapacitated Persons empowered to sell and convey Lands for the Purposes aforesaid.

II. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, and for all Tenants for Life, Tenants in Tail, or Tenants for Years determinable upon any Life or Lives, and for all Husbands, Guardians, Trustees for Charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their respective *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons, and for all Femes Covert, and all and every other Person or Persons whomsoever, who is, are, or shall be seised or possessed of or interested in any Lands, Grounds, or Hereditaments, for the Purposes aforesaid, to contract for, lease, sell, and convey the same, and every Part thereof, and the Inheritance in Fee Simple of such of them as shall be intended to be conveyed in Fee Simple to the said Governor and Company and their Successors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Governor and Company or their Successors, and such Conveyances and Assurances as shall be made of any Freehold Lands, Tenements, or Hereditaments to the said Governor and Company or their Successors, shall be made according to the Form or to the Effect following:

Form of Conveyance.

'I *A. B.* of in consideration of the Sum
'of to me paid, or in consideration of the
'Annual Rent of to me to be hereafter yielded and
'paid by Yearly, or [*as the Case may be*] by Half Yearly Payments by
'the Governor and Company of *Chelsea* Waterworks, do hereby grant
'and release to the said Governor and Company of *Chelsea* Water-
'works all [*describing the Hereditaments to be conveyed*] and all my
'Right, Title, and Interest in and to the same, to hold to the said Go-
'vernor and Company and their Successors for ever, by Virtue and ac-
'cording to the true Intent and Meaning of an Act passed in the Forty-
'ninth Year of the Reign of His present Majesty King *George* the
'Third, intituled, [*insert the Title of this Act*]. In Witness whereof I
'have hereunto set my Hand and Seal, this Day
'of in the Year

And if the Premises purchased shall happen to be Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel, which said Conveyances or Assignments shall be kept by the Secretary of the said Governor and Company for the Time being, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Two Shillings and Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words.

Purchasemonies or Compensations due to Corporate Bodies, Minors, &c.

III. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate or Collegiate, Trustees, Executors, Administrators, Husbands, Guardians, Committees, Femes Covert, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, for the Purchase of or the Damages

to

to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, shall be paid and applied in manner following, (that is to say), in case the same shall amount to or exceed the Sum of Two hundred Pounds, it shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, "*ex parte* the Governor and Company of *Chelsea* Water Works," to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption or Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase and Settlement were made.

Money to be laid out to the same Uses, &c.

IV. Provided always, and be it further enacted, That in case the Money so payable to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-

Application where the Compensation Money does not exceed Two Hundred Pounds and above Twenty Pounds.

herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by a Court of Directors of the said Governor and Company, or the major Part of them then present, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising thereon may be applied in any Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where less than Twenty Pounds.

V. And be it further enacted, That in case the Money payable to such Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, in respect whereof the same shall be paid in such Manner as a Court of Directors of the said Governor and Company, or the major Part of them then present, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to or for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Governor and Company or their Directors shall direct the same to be paid, shall be sufficient Discharges for the same.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession, unless, &c.

VI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may Order reasonable Expences of

VII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased

chaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Governor and Company, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Purchaſes to be paid by the Company.

VIII. Provided always, and be it enacted, That they the ſaid Governor and Company, their Agents, Deputies, Officers, Workmen, and Servants, in laying down, making or driving any Pipe or Pipes for drawing Water from the ſaid River *Thames*, or in the erecting or the uſing or employing any Engine or Engines, Building or Buildings, or any other Works, or in carrying on, proſecuting, or conducting any Matter or Thing for the effecting the Purpoſes of the ſaid recited Act and of this Act, or relating thereto, ſhall do as little Damage as may be; and the ſaid Governor and Company ſhall make full Satisfaction to all and every the Owner or Owners or Proprietors of, and all Perſons intereſted in the Lands, Grounds, or other Hereditaments, Houſes, Buildings, Manufactories, Goods, Chattels, Trades, or Occupations which ſhall be uſed by or on Behalf of the ſaid Governor and Company, or which ſhall be injured, prejudiced, deſtroyed, or damaged by any of the Means aforeſaid, or in any Manner for the effecting the Purpoſes of the ſaid recited Act and of this Act; and if any ſuch Owner or Proprietor or other Perſon as aforeſaid, ſhall be diſſatisfied with the Amount or Value of ſuch Satisfaction to be offered by the ſaid Governor and Company, or by a Court of Directors of the ſaid Company, or the major Part of them then preſent, or if no ſuch Satisfaction ſhall be offered, and ſuch Owner or Proprietor or other Perſon as aforeſaid, ſhall make an Affidavit in His Majeſty's Court of King's Bench, deſcribing therein generally the Nature of the Injury ſuſtained by ſuch Owner or Proprietor or other Perſon as aforeſaid, and ſtating the Amount of the Compenſation (if any) which ſhall have been ſo offered as aforeſaid, a Copy of which Affidavit ſhall be delivered to the Secretary of the ſaid Governor and Company, and Notice given of an Application to the ſaid Court of King's Bench for the Purpoſe hereinafter mentioned, Four Days before ſuch Application, it ſhall be lawful for the ſaid Court of King's Bench to iſſue a Writ to the Sheriff of the County of *Middleſex*; and in Caſe any ſuch Sheriff or his Under Sheriff ſhall be One of the ſaid Company, or enjoy any Office or Place of Profit or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in queſtion, then to any one of the Coroners of ſuch County who ſhall not be ſo intereſted as aforeſaid; and in caſe all the ſaid Coroners of ſuch County ſhall be ſo intereſted, then to the laſt Perſon who filled the Office of Sheriff of ſuch County, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, Coroner, or other Perſon to impannel, ſummon, and return a ſufficient Number to conſtitute a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of the Realm, to be returned for Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the Chief Juſtice of the ſaid Court of King's Bench at the

For making Satisfaction for Damages.

the Sittings of *Niſi Prius* at *Weſtminſter*, at ſome Sitting in or after Term to be holden not leſs than Ten Days after the iſſuing ſuch Writ, to enquire the Amount of the Damages ſuſtained by ſuch Owner or Proprietor or other Perſon as aforeſaid, on account or by reaſon of ſuch Injury as ſhall be mentioned in the ſaid Affidavit; and if no ſuch Offer ſhall have been made as aforeſaid, then to enquire as well of the Fact of ſuch Injury having been committed, as of the Amount of the Damages ſuſtained thereby; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and it ſhall be lawful for either Party, on or before the Execution of ſuch Writ, to iſſue out Writs of Subpœna to compel the Appearance of ſuch Witneſſes as may be by them reſpectively thought neceſſary to be examined touching the Matters in queſtion; and the ſaid Court of King's Bench ſhall and may, on Motion made by either Party, in like Manner as in an Action of Treſpaſs brought in the ſame Court, as far the ſame is practicable, order and authorize the Jury or any Six or more of them to view the Place or Places or Matter or Matters in queſtion, and the ſaid Jury ſhall upon their Oaths, (which Oaths and alſo the Oaths of ſuch Perſons as ſhall be called to give Evidence, ſuch Chief Juſtice or other Juſtice ſitting at *Niſi Prius* as aforeſaid, is hereby authorized to adminiſter), ſhall enquire of, aſſeſs, and aſcertain the Sum and Sums of Money or the Recompenſe to be made for the Injury or Damages that ſhall or may be ſuſtained as aforeſaid, or of the Fact of ſuch Injury having been committed, if the Caſe ſhall require, and ſhall aſſeſs Damages for the ſame; and the ſaid Chief Juſtice or other Juſtice of the ſaid Court of King's Bench, ſhall indorſe on the Back of the ſaid Writ the Amount of the Sum aſſeſſed by the Jury, and it ſhall be lawful for either of the ſaid Parties to apply to His Majeſty's Court of King's Bench, within the Four Firſt Days of the following Term, for a new Trial, which the ſaid Court are hereby authoriſed and empowered to grant, and in default of ſuch Application, or if the ſame ſhall be refuſed, it ſhall be lawful for the ſaid Court, by a Rule of the ſame Court, on Motion made on Behalf of ſuch Owner or Proprietor or other Perſon as aforeſaid, to award Execution for the ſaid Sum ſo aſſeſſed, and Execution ſhall thereupon iſſue by Writ of *Fieri Facias* or *Elegit* for the ſame, and for the Coſts attending the aforeſaid Proceedings, if any ſhall be due and payable, in manner hereinafter mentioned.

Payment of Coſts.

IX. And it is hereby further enacted, That the Coſts attending ſuch Proceedings as aforeſaid, by Rule of the ſaid Court, ſhall be taxed by the proper Officer of His Majeſty's Court of King's Bench, and if the Sum ſo aſſeſſed by the Jury as aforeſaid, ſhall exceed the Amount of the Compenſation offered, or if no ſuch Compenſation ſhall have been offered, and the Jury ſhall find that ſuch Owner or Proprietor or other Perſon as aforeſaid ſhall have ſuſtained any ſuch Injury as aforeſaid, then the Coſts ſhall be paid by the ſaid Governor and Company, and ſhall be levied in manner aforeſaid; and if the ſame ſhall not exceed or ſhall be equal to the ſaid Sum ſo offered as aforeſaid for Compenſation, or if no ſuch Compenſation ſhall have been offered, and the Jury ſhall find that ſuch Owner or Proprietor or other Perſon as aforeſaid ſhall not have ſuſtained any ſuch Injury as aforeſaid, then Coſts ſhall be paid by ſuch Owner or Proprietor or other Perſon as aforeſaid, and in default thereof ſuch Owner or

Proprietor

Proprietor or other Perſon as aforeſaid ſhall be liable to an Attachment.

X. And be it further enacted, That in all Caſes in which any ſuch Owner or Proprietor or other Perſon as aforeſaid ſhall have ſuſtained or ſhall ſuppoſe himſelf to have ſuſtained any Injury by any of the Means aforeſaid, it ſhall and may be lawful for ſuch Owner or Proprietor or other Perſon as aforeſaid, inſtead of proceeding in manner aforeſaid to ſue the ſaid Governor and Company in an Action of Treſpaſs, or Treſpaſs on the Caſe, alleging the Treſpaſſes to have been made or Injury committed by the ſaid Governor and Company; and in Caſe ſuch Owner or Proprietor or other Perſon as aforeſaid ſhall prove any Treſpaſs to have been committed by the ſaid Governor and Company, or any of their Agents, Deputies, Officers or Servants, or any Perſons employed by them and acting on the Behalf of the ſaid Governor and Company, a Verdict ſhall paſs for the Plaintiff, and Judgement be thereupon given, and Execution ſhall iſſue againſt the ſaid Governor and Company. Perſons ſuſtaining Injury to ſue the Company.

XI. And be it further enacted, That if any Perſon or Perſons ſhall take or uſe, or cauſe, permit, or ſuffer to be taken or uſed any Water from or out of any Reſervoir, Aqueduct, or Pipe which already has been or ſhall be made or laid by virtue of the ſaid recited Act or of this Act, without the previous Conſent of the ſaid Governor and Company or their authorized Servants, or if any Perſon or Perſons ſupplied with Water by the ſaid Governor and Company by virtue of the ſaid recited Act or of this Act, ſhall ſupply any other Perſon or Perſons with any Part of ſuch Water; then and in every ſuch Caſe every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay to the ſaid Governor and Company any Sum not exceeding Five Pounds, and it ſhall be lawful for the ſaid Governor and Company, if they ſhall ſo think fit, to take or cut off the Water from the Houſe or Building of any Perſon ſo ſupplied and offending for every ſuch Offence: Provided nevertheleſs, that nothing herein contained ſhall extend or be conſtrued to extend to ſubject any Perſon or Perſons ſupplied with Water by virtue of the ſaid recited Act or of this Act, to any Penalty or Forfeiture for ſupplying any other Perſon or Perſons alſo ſupplied by the ſaid Governor and Company with any Quantity of ſuch Water, during the Time that the Pipes or Cocks of ſuch laſtly mentioned Perſon ſhall or may happen to be out of Repair, ſuch Pipes or Cocks nevertheleſs being repaired as ſoon as may be after any Damage ſhall happen thereto. For hindering Perſons ſupplied from ſupplying others, and for puniſhing Perſons for wilfully letting off the Water; except in certain Caſes.

XII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend or be deemed or conſtrued to extend to prejudice, diminiſh, alter, or take away any of the Rights, Powers, or Authorities veſted in the Commiſſioners of Sewers for the City and Liberty of *Weſtminſter* and Part of the County of *Middleſex*; but all the Rights, Powers, and Authorities veſted in them ſhall be as good, valid, and effectual as if this Act had not been made. Rights of Commiſſioners of Sewers not to be prejudiced.

XIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, ſhall be recoverable before any of His Ma- Fines and Forfeitures to be reco-

vered before a Justice of the Peace.

Majesty's Justices of the Peace for the County of *Middlesex*, on the Information exhibited by the said Governor and Company within Six Calendar Months after the Offence committed; and every such Justice is hereby authorized and required to examine Witnesses on Oath and hear and determine the same, and all and every Sum or Sums so recovered, shall, in case of Non-payment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside; and all Fines, Forfeitures, and Penalties (the Application whereof is not hereinbefore particularly directed) shall be paid into the Hands of the Secretary to the said Governor and Company, and shall be applied and disposed of for the Use of the said Governor and Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Allowing an Appeal.

XIV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Governor and Company or their Directors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after such Order, Judgement, or Determination shall have been made or given (first giving Fourteen Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), appeal to the Justices of the Peace at the General or Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, who shall, in a summary way, either hear and determine the said Appeal at such General or Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form only, or be removed by *Certiorari*, or any other Writ or Writs or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed or removed by Certiorari.

Limitation of Actions.

XV. And be it further enacted, That if any Information shall be brought or commenced against any Person or Persons for any thing done in

in purſuance of this Act, every ſuch Information ſhall be brought or commenced within Six Calendar Months next after the Fact committed, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere.

Saving the Rights of the City of London.

XVI. Provided always, and it is hereby enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice or take away any Right, Property, or Juriſdiction of the Mayor, or Mayor, Commonalty, and Citizens of the City of *London* to, in, and upon the River of *Thames* aforeſaid, whether as Conſervator of the ſaid River or in any other Reſpect whatſoever; nevertheleſs it ſhall be lawful, as there ſhall be Occaſion for effecting the Purpoſes of this Act, to cut and dig the Bank or Wall and Shore and Bed of the River of *Thames*, with ſuch Approbation as aforeſaid, within the Limits aforeſaid, to the Diſtance of Two hundred and Forty Feet from the Bank of the ſaid River, extending from thence in any right Line beyond Low Water Mark into the Bed of the ſaid River, and to lay or drive therein a Pipe or Pipes, Trunk or Trunks, for drawing Water from the ſaid River of *Thames*, and alſo to conſtruct and erect a Frame or Frames, as hereinbefore deſcribed, at, upon, or over the End or Extremity of the ſaid Pipe or Pipes, Trunk or Trunks, for drawing, conveying, admitting, or receiving Water as aforeſaid, and for incloſing and protecting the ſame.

Directing what ſhall be paid to the City of London for cutting into the Thames below Water Mark.

XVII. And be it further enacted, That the ſaid Governor and Company ſhall pay to the ſaid Mayor and Commonalty and Citizens of the City of *London* the Sum of Five Pounds and Five Shillings, as a Fine or Acknowledgment for the Liberty of cutting and digging the Bank or Wall and Shore and Bed of the River of *Thames* beyond Low Water Mark, and for laying or driving therein a Pipe or Pipes, Trunk or Trunks, or for conſtructing, placing, and erecting ſuch Frame or Frames as aforeſaid, for the Purpoſes aforeſaid; and alſo pay to the ſaid Mayor and Commonalty and Citizens of the ſaid City, their Succeſſors, Collectors, or Aſſigns for ever an Annual Rent or Sum of Five Pounds and Five Shillings, after the ſaid Bank or Wall and Shore and Bed ſhall be cut and dug for the Purpoſes aforeſaid, with ſuch Approbation as aforeſaid; and ſuch Annual Sum is hereby charged upon and made payable by and may be recovered from the ſaid Company of Proprietors by Action of Debt or on the Caſe in any of His Majeſty's Courts of Record at *Weſtminſter*.

Chelſea Waterworks.

XVIII. Provided always, and be it further enacted, That every Steam Engine to be erected by the ſaid Governor and Company for any of the Purpoſes of this Act, ſhall be made upon the beſt and moſt improved Conſtruction for conſuming its own Smoke, or otherwiſe the Chimney of every ſuch Engine ſhall be made of ſuch Height or Elevation and of ſuch Conſtruction, as will effectually prevent any Nuiſance or Annoyance happening to any Perſon or Perſons living or reſiding in the neighbourhood of any ſuch Engine by means of the Smoke ariſing therefrom, and that it ſhall not be lawful for the ſaid Governor and Company to erect any Steam Engine other than ſuch as ſhall be of ſuch Conſtruction as aforeſaid, or having the Chimney thereof of ſuch Height or Elevation

and

and Conſtruction as aforeſaid, any thing in this Act to the contrary thereof in any wiſe notwithſtanding.

Public Act.

XIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1809.