



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 99.

An Act to enable the Company of Proprietors of the Grand *Surrey* Canal to supply with Water the several Towns, Districts, and Places therein mentioned, and to amend the several Acts relating to the said Canal.

[3d June 1808.]

WHEREAS by an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River Thames, at or near a Place called Wilkinson's Gun Wharf, in the Parish of Saint Mary at Rotherhithe, in the County of Surrey, to the Town of Mitcham in the Parish of Mitcham in the said County, and also divers collateral Cuts or Branches communicating from the same to certain Parishes and Places within the Counties of Surrey and Kent*, certain Persons were incorporated by the Name of "The Company of Proprietors of the Grand *Surrey* Canal:" 41 G. 3. c. 31.
And whereas one other Act was passed in the Forty-seventh Year of the Reign of His present Majesty, intituled *An Act for better enabling the Company of Proprietors of the Grand Surrey Canal to complete the same*: And 47 G. 3. c. 89.
whereas it would be a great Advantage and Convenience to the Inhabitants of certain Districts within the several Parishes, Townships or Hamlets of *Saint Mary Rotherhithe, New Cross, Saint John and Saint Mary Magdalen*
[Loc. & Per.] 21 L Bermondsey,

Pipes may be laid from the Canal to certain Districts for a Supply of Water.

*Bermondsey, Saint Giles Camberwell, Walworth, and Peckham, and Places adjacent, in the Counties of Surrey and Kent, residing within One thousand five hundred Yards on each Side of the Margin of the said Canal, if the said Company of Proprietors were enabled to supply them with Water by Means thereof: And whereas it is requisite that some of the Powers and Provisions of the said recited Acts should be altered and amended, and that further and other Powers should be given to the said Company of Proprietors: 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 and may be lawful to and for the said Company of Proprietors of the Grand Surrey Canal, and they are hereby authorized and empowered, from and immediately after the passing of this Act, either by themselves, their Deputies, Officers, Agents, Workmen, or Servants, to lay any Mains and Pipes underground, from the said Canal called the Grand Surrey Canal, to and into the several Districts and Places in the several Parishes, Townships, or Hamlets of *Saint Mary Rotherhithe, New Cross, Saint John and Saint Mary Magdalen Bermondsey, Saint Giles Camberwell, Walworth, and Peckham, and Places adjacent, in the Counties of Surrey and Kent, situate, lying, or being within the Distance of One thousand five hundred Yards of either of the Margins of the said Canal, or of the collateral Cuts or Branches thereof, or of any of them, and to supply all such Mains and Pipes with Water from the said Canal, or from the collateral Cuts or Branches thereof, or from any of them, and to make and maintain Waterworks, Aqueducts, Steam Engines, and other Engines and Conveniencies upon the Ground belonging to the said Company of Proprietors, or with the Consent of the Owners of the Land on which the same are intended to be made, but not otherwise, and with such Consent to make such other Works, Buildings, Erections, and other Conveniencies for the Purposes of this Act, as shall by the said Company of Proprietors, their Successors or Assigns, be deemed necessary; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Officers, Agents, Workmen, or Servants, are hereby authorized and empowered to go, enter, and pass in, upon, over, under, or through the Lands and Grounds, Brooks, Streams, Waters, Highways, Roads, Passages, Commons, and other Lands and Places of any Person or Persons, Bodies Politic, Corporate or Collegiate whatsoever, situate, lying and being within the Distance of One thousand five hundred Yards of either of the Margins of the said Canal or of the Collateral Cuts or Branches thereof, or of any of them, for the Purpose of laying the Mains and Pipes aforesaid, and also from Time to Time to open, scour, cleanse, repair, and maintain such Mains and Pipes; and for the Purposes aforesaid, or any of them, to bore, dig, cut, trench, fough, get, remove, take, carry away, and lay Earth, Clay, Stones, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in laying such Mains and Pipes, or which may hinder, obstruct, or prevent the laying of the same, or the using, completing, and maintaining thereof; and to use, exercise, and employ all necessary Ways and Means for conveying and bringing a sufficient Stream of Fresh Water from the said Canal, collateral Cuts and Branches thereof, or any of them, to and into such several Districts and Places, situate, lying, or being within**

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the Distance of One thousand five hundred Yards of either of the Margins of the said Canal, or of the collateral Cuts or Branches thereof, or of any of them, for the Purpose of supplying the Inhabitants of the same for the Time being with so much of the said Water as may be wanted, and from Time to Time to repair, maintain, support, and continue the same, according to the Tenor and Effect and the true Intent and Meaning of this Act; and also to make, maintain, repair, and alter any Fences, Passages, Bridges, or Arches which may be necessary for the Purposes aforesaid, or any of them; and from Time to Time to make, construct, and erect, and to repair and maintain any Cisterns, Ponds, Basons, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead, Metal Cocks, Chamber Cocks, Cocks in Common, Stock Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Bores, Mains, Feeders, Fanipers, Drains, Pumps, Sluices, and other Works and Devices as they shall think proper, and all such other Matters and Things, in such several Districts and Places, and in such Manner as they shall judge necessary for distributing and conveying such Water to the respective Houses, Offices, and other Tenements of the Inhabitants of such several Districts and Places situate, lying, and being within the Distance of One thousand five hundred Yards of either of the Margins of the said Canal, or of the collateral Cuts or Branches thereof, or of any of them; and from Time to Time, as Occasion may require, to alter the Position of, and to repair, relay, and maintain such Mains, Pipes, Stock Cocks, and Air Plugs, Fire Plugs, and other Machinery, and to do all such other Acts, Matters, and Things as shall from Time to Time be necessary or proper for completing and amending, repairing and improving, and for using the Works authorized by this Act to be done and provided, for the Purposes and according to the true Intent and Meaning hereof; they the said Company of Proprietors, their Deputies, Officers, Agents, Servants, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company of Proprietors making Satisfaction to the Owners and Proprietors of, and all Persons interested in the Lands, Tenements, and Hereditaments respectively which shall be used for the Purposes of this Act, or injured in Value by means of the Powers hereby granted, or which shall be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue hereof; subject nevertheless to such Provisoos and Restrictions as are hereinafter contained.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable the said Company of Proprietors or their Successors to lay or drive any Mains, Pipes, Trunks, or other Works, or to supply with Water by means of the said Canal or otherwise, or by any other Ways or Means, any of the Inhabitants residing on the North-west and West Side of the Line or Boundary hereinafter described, or into any of the Streets or Places included within such Boundary; that is to say, a Line beginning from the *Thames* at *Saint Saviour's Dock* in the Parish of *Saint John's Southwark*, by a Line to be drawn through the Middle of such Dock to *Dock Head*, by the Centre of *Five Foot Lane* to *Bermondsey Street*, then South through the Centre of *Bermondsey Street* by the *New Road* to the *Kent Road* at the *Bricklayer's Arms*, along

Restraining
the Company
from supply-
ing certain
Places with
Water.

along the Centre of the *Kent* Road to the *Green Man* Turnpike Gate on such Road, then by a Line to be drawn from the *Green Man* Turnpike Gate on the *Kent* Road from the North-east to the South-west, at the Distance of Forty Yards from the South-east Side of *Surrey Square* and *Albion Lane* to the Road leading from *London* to *Camberwell*, at or near *Walworth* Turnpike Gate, then continuing by a Line to be drawn along the Centre of such last-mentioned Road, Southerly through *Camberwell*, to the Top of *Denmark Hill*, which said Line is to be considered as the Boundary Line; and in case the said Company of Proprietors of the Grand *Surrey* Canal shall supply any Company, House, Building, or Place on the North-west or West Side of such Line, or included in the said Boundary, or be the Means of their being supplied with Water by Means of, or from the said Canal, then and in every such Case the said Company of Proprietors of the Grand *Surrey* Canal shall forfeit and pay to the Company of Proprietors of the South *London* Waterworks, for every Company so supplied, the Sum of Five hundred Pounds annually, and for every House, Place, or Building so supplied, the Sum of Ten Pounds *per Annum*, to be recovered by the said Company of Proprietors of the South *London* Waterworks, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Not to take any Water from the River *Ravensbourne*.

III. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors to take any Water for the Use of the said Canal or other Works hereby authorized to be made, out of, or from the River *Ravensbourne*, or any Stream, Watercourse, or Rivulet running into the said River.

Not to injure the Proprietors of a Patent for conveying Water to *East Greenwich*, &c.

IV. Provided also, and be it enacted, That nothing in this Act contained shall extend to enable the said Company of Proprietors to convey Water by Pipes or otherwise, from the said Canal, for the Purpose of supplying all or any of the Inhabitants residing within the Royal Manors of *East Greenwich* and *Sayes Court*, in the Counties of *Kent* and *Surrey*, or one of them, with Water, or in any other Manner to prejudice or injure the Proprietors of a certain Patent granted by His Majesty King *William* the Third, in the Thirteenth Year of his Reign, to *William Tarnold* and *Robert Watson*, enabling them, their Executors, Administrators, and Assigns, for the Term of Five hundred Years thence next ensuing, to convey Water by Pipes from the River *Ravensbourne* to the Houses and Premises of the Inhabitants of the said Manors of *East Greenwich* and *Sayes Court*.

Plans deposited with the Clerks of the Peace shall be open for Inspection.

V. And whereas a Map or Plan, describing the several Districts and Places intended to be supplied with Water by Means of the said Canal, hath been deposited with the Clerks of the Peace for the Counties of *Surrey* and *Kent*; be it therefore enacted, That such Map or Plan shall remain in the Custody of the said Clerks of the Peace, and that all Persons interested therein shall at all reasonable Times have Liberty to inspect and peruse the same, and take a Copy thereof, or any Part thereof, paying a reasonable Compensation to the said Clerks of the Peace or their Deputies for every such Inspection.

VI. And

VI. And be it further enacted, That the Furnace of every Steam Engine to be erected by the said Company of Proprietors for any of the Purposes of this Act shall be constructed upon such Principle as to consume its own Smoke.

Steam Engines to be constructed so as to consume their own Smoke.

VII. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to make any Aqueduct, Tunnel, Feeder, or other Works for the Supply of Water, across or over, or to enter into or upon the private Lands and Grounds of any Body Politic, Corporate, or Collegiate, or of any Person or Persons whomsoever, without the Consent of the Owner or Owners, Proprietor or Proprietors, and Occupier or Occupiers thereof, or into or upon any Common or Commonable Lands or Fields, or Waste Lands, without the Consent of the Lord of the Manor, or the Owner or Owners thereof.

Not to use or damage any private Lands or Grounds without Consent.

VIII. Provided always, and be it enacted, That no Sewer or Drain which now is or shall hereafter be under the Jurisdiction of the Commissioners of Sewers for the Limits extending from *East Mouldsey* in the County of *Surrey* to *Ravenbourne* in the County of *Kent* shall be altered, changed, or interfered with, or be in anywise affected by any of the Provisions of this Act, save and except so far as may be necessary to enable the said Company of Proprietors to lay Iron Mains or Pipes over or under, but not within or through the same.

Public Sewers not to be interfered with, except for laying Iron Mains or Pipes over or under the same.

IX. Provided also, and be it enacted, That the said Company of Proprietors shall cause Notice in Writing to be left at the Office of the Clerk to the said Commissioners of Sewers, specifying the Place in which any and every Iron Main or Pipe shall be designed to be laid over or under any such Sewer or Drain as before mentioned, and the Manner of laying the same; and upon every such Notice the said Clerk shall and he is hereby required to convene a Meeting of the said Commissioners, or any Twelve or more of them, to be held within Fourteen Days after such Notice shall be so left as aforesaid; which said Commissioners shall and they are hereby required, within Twenty Days after such Meeting, to order and direct the Manner in which such Iron Main or Pipe shall be passed under or over the said Sewer or Drain, unless the passing and conveying the said Main or Pipe shall prevent or interfere with the cleansing or altering any such Sewer or Drain, or the completing of any Work by the said Commissioners of Sewers in or about the same; and in all Cases where the said Commissioners shall be prevented from making an Order within Twenty Days after they shall have been so convened by any of the Causes aforesaid, the said Commissioners shall and they are hereby required to make such Order within Ten Days after the said Sewer or Drain shall have been so cleansed or altered, or the said Works completed.

Notice of laying such Mains or Pipes to be given to the Clerk to the Commissioners of Sewers.

X. Provided also, and be it further enacted, That all Damages to be occasioned by or in consequence of the laying, placing, or passing any and every Iron Main or Pipe over or under any Sewer or Drain, shall from Time to Time be made good by the said Company of Proprietors, to the Satisfaction and good Liking of the said Commissioners of Sewers, within Twenty-one Days after any and every such Main or Pipe shall be so laid down, placed, or passed; and in case the said Company shall neglect so to

Damage done the Sewers to be made good by the Company.

make good such Damage within the Time aforesaid, then it shall and may be lawful to and for the said Commissioners of Sewers to make good, and to order and direct all proper and necessary Works for effecting the same; and the Expences occasioned by reason thereof shall be paid by the Treasurer, Clerk, or Agent to the said Company of Proprietors, to the Treasurer or Expenditor General to the said Commissioners of Sewers, within Twenty-one Days next after an Account of the same, and Demand of Payment thereof, signed by the Clerk to the said Commissioners of Sewers, shall be delivered to the Treasurer, Clerk, or Agent of the said Company, or any of them, or left at his, or their, or any of their Dwelling House or Houses; and if the same shall not be so paid within the Time aforesaid, then that it shall and may be lawful for the Treasurer or Expenditor General for the Time being to the said Commissioners of Sewers, in his own Name, to sue for and recover the said Expences by Action of Debt, to be brought against the said Treasurer, Clerk, or Agent for the Time being of the said Company of Proprietors, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of suing for the same; in which Action, no Essoign or Wager of Law, nor more than one Imparlance, shall be allowed.

Not to hinder the Commissioners from altering or widening any Sewers.

XI. Provided also, and be it further enacted, That nothing in this Act contained shall be construed or taken to hinder or prevent the said Commissioners of Sewers, their Surveyors, or Servants, from deepening, widening, or altering the Course of any Sewer or Sewers over or under which any Main or Pipe shall have been laid, placed, or passed; and that in all such Cases the Expences of taking up, relaying, lengthening, securing, or fixing the said Pipes, and all Damages sustained or to be sustained by reason thereof, shall be made good by the said Company of Proprietors, or otherwise repaid to the said Treasurer or Expenditor General to the Commissioners of Sewers, and in Default thereof recovered in the Manner hereinbefore provided for in the Case of the original laying, placing, or passing such Iron Main or Pipe.

Empowering Inhabitants to lay Pipes to communicate with the Company's Pipes.

XII. And be it further enacted, That such of the Inhabitants of the said several Districts and Places situate, lying, and being within the Distance of One thousand five hundred Yards of either of the Margins of the said Canal, or of the collateral Cuts and Branches thereof, or any of them, as shall be desirous of having the Water laid into their Houses and Offices, may and they are hereby authorized and empowered, at their own Expence (having first obtained the Consent in Writing under the Hand of such Person as shall be authorized by the said Company of Proprietors, under their Common Seal, to give such Consent), to open the Ground between the Company's Pipes and the respective Houses, Brewhouses, or Offices of such Inhabitants, and to lay Leaden Pipes (the Bore thereof to be ascertained by the said Company) from such respective Houses, Brewhouses, or Offices, to communicate with the said Company's Pipes in any Road, Street, Lane, Passage, or Place within such several Districts and Places, such respective Inhabitants paying to the said Company of Proprietors, Yearly, Quarterly, or Monthly, such Sum or Sums of Money for such Water as shall be mutually agreed upon between them; and in case of Default in Payment of any Sum or Sums of Money so agreed to be paid as aforesaid, it shall be lawful for the said Company to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating

communicating with any Main Pipe or Pipes belonging to the said Company, to be separated from the Pipe or Pipes with which the same shall so communicate, and to cause the Water to be stopped from issuing or running into the House or Office of every Person making such Default; and that the Sum or Sums of Money which shall be due and in Arrear from such Person or Persons to the said Company of Proprietors and their Successors, shall and may be recovered by the said Company by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved in common Demises may by Law be recovered; and if any Person shall lay or cause to be laid any Leaden or other Pipe to communicate with any Main or other Pipe belonging to the said Company of Proprietors, without such Consent having been obtained as aforesaid, every such Person shall forfeit and pay to the said Company of Proprietors and their Successors the Sum of Twenty Shillings for every Day such Pipe shall so remain; such Sum to be recovered by Distress and Sale, as last aforesaid.

XIII. Provided always, That all such Inhabitants to whom any such Leaden Pipe or Pipes as aforesaid shall belong shall be at Liberty to remove and take away the same, together with the Cock or Cocks thereunto belonging.

Power for Inhabitants to remove Pipes.

XIV. Provided always, and be it further enacted, That any Ground or Highway which shall or may be opened or broken up by the said Company of Proprietors and Occupiers respectively, for laying, taking up, or repairing any Main or Common Pipe within such several Districts and Places, by virtue of this Act, shall be filled in, and the Rubbish thereby occasioned carried away as soon as conveniently may be, and in the meantime shall be fenced or guarded, so as that the same may not be dangerous to Passengers or Cattle; and the Pavement and Ground, and all Things that shall have been removed, shall also be made good as soon as conveniently may be by the said Company of Proprietors, in case of the said Ground being opened for laying, taking up, or repairing any Main Pipe, and at the Expence of the respective Occupiers opening the said Ground for laying, taking up, or repairing any Communication Pipe: Provided always, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of the Agents or Servants of the said Company, or in any of the said Occupiers, in taking up or repairing any of the said Main Pipes, or any of the said Communication Pipes, or in filling in or removing the Rubbish thereby occasioned, or in fencing or guarding the Place or Places which shall be so opened, or in making good the Pavement, Ground, and other Things which shall have been removed, that then and in every such Case the said Company and their Agents, and the Occupiers respectively, shall forfeit any Sum not exceeding Five Pounds.

Highways broken to be fenced.

XV. Provided always, and it is hereby further enacted, That whenever it shall be found necessary by such Company of Proprietors; their Agents or Workmen, to lay down Pipes for the Purpose of conveying Water under any Part of any Turnpike Roads, such Pipes shall be laid down on the Sides of the said Roads only, and as near the Footpath as can be, unless in Cases where the Intervention of a Common Sewer, or other unavoidable Hinderance or Obstruction, shall make a Deviation absolutely necessary, or where

Regulations as to laying down Pipes in Turnpike Roads.

where it shall be necessary for the Purpose of carrying Pipes across the said Roads for the Purposes of Communication between the Main Pipes and the Service Pipes so laid down on the Sides of the said Roads, or Leaden Pipes to communicate from the Main or Service Pipes to the Houses to be supplied therefrom, or where the Consent of the Trustees of such Roads respectively shall be obtained to lay down Pipes otherwise than herein directed, to be given at the next General or Special Meeting of such Trustees respectively which shall be held next after any Application made by such Company of Proprietors for that Purpose; and in case any such Pipe or Pipes shall be laid down otherwise than as aforesaid, then the Surveyor or Surveyors to the said Trustees respectively shall give Notice thereof to the said Company of Proprietors, or their Agent or Agents, to take up and remove the same; and in case they shall neglect or refuse, for the Space of Twenty-four Hours after such Notice, to take up and remove such Pipe or Pipes, then it shall be lawful for the Surveyor or Surveyors to the said Trustees respectively, and such other Person and Persons as he and they shall appoint, by an Order in Writing under the Hands of any Two or more Justices of the Peace acting in and for the County in which the said Roads lay, to take up and remove all and every such Pipe and Pipes; and whenever it shall be found necessary by such Company of Proprietors, their Agents or Workmen, to open the Ground in or under any Part of the said Roads for the Purpose of laying and amending their Water Pipes or Plugs, the same shall be done, and the Ground filled up and rammed in, and the Roads made good, as expeditiously as the Circumstances will admit of, at the Expence of such Company of Proprietors; and in the meantime such Agents or Workmen so opening the Ground shall secure the respective Parts thereof in such Manner as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages, upon Pain of forfeiting any Sum not exceeding Ten Shillings for every Hour that the Ground shall remain open or not secured in Manner aforesaid; and that whenever it shall happen by the bursting, breaking, or leaking of any such Pipe or Pipes, the Water shall overflow any Part of the said Road, so as to occasion any Danger or Inconvenience to Passengers, Cattle, or Carriages, and the said Company of Proprietors of such Waterworks, or their Agent or Agents, shall, after Twenty-four Hours Notice thereof, neglect to do what shall be necessary to remedy the Danger and Inconvenience arising therefrom, it shall be lawful for the Surveyor or Surveyors of the said Roads respectively to do what he or they shall judge requisite to drain off the Water, and to prevent any Danger or Inconvenience therefrom in future, the Expence whereof, and of taking up and removing such Pipe or Pipes, and of making good the Damage done to the Roads, to be ascertained by Two such Justices, or any other Two Justices of the Peace for the County in which the said Roads lay, shall be reimbursed to such Surveyor or Surveyors by such Company of Proprietors; all which respective Forfeitures and Sums shall and may from Time to Time be recovered of and from the Treasurer, Clerk, or Agent to the said Company of Proprietors, in such Manner as other Penalties and Forfeitures are by this Act or the said recited Acts to be recovered; and the same, when so recovered, shall from Time to Time be paid to the said Trustees respectively, or the Treasurer or Treasurers for the Time being, and shall be applied for and towards amending the said Roads respectively.

XVI. And

XVI. And be it further enacted, That no Pipe or Pipes shall be laid down under the said Roads which shall prevent the draining of the Water off the said Roads, and in no Case of less Depth than Twelve Inches below the Surface of the Ground so intended to be opened, measured from the upper Side of such Pipe or Pipes.

To prevent laying down Pipes which shall prevent draining the Water off the Roads.

XVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to or invest the said Company of Proprietors, or any other Person or Persons whomsoever, with any Right, Power, or Authority which may at all interfere with the Rights, Powers, Authorities, or Provisions heretofore granted by an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for making, widening, and keeping in Repair certain Roads in the several Parishes of Lambeth, Newington, Saint George Southwark, Bermondsey, and Christ Church, in the County of Surrey, and for watching and lighting the said Roads*; and by an Act passed in the Forty-seventh Year of the Reign of His present Majesty, intituled *An Act for enlarging the Powers of an Act of the Twenty-sixth Year of His present Majesty, for making and keeping in Repair certain Roads in the Parishes of Lambeth, Newington, Saint George Southwark, Bermondsey, and Christ Church, in the County of Surrey, and for watching and lighting the said Roads*; and also of an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled *An Act for repealing an Act passed in the Twenty-fifth Year of the Reign of His present Majesty King George the Third, for more effectually repairing the Roads leading from the Stone's End in Blackman Street, in the Borough of Southwark, in the County of Surrey, to Highgate in the County of Sussex, and several other Roads therein mentioned, and for granting other Powers for those Purposes.*

Act not to affect the Powers of Trustees of certain Turnpike Roads.

XVIII. Provided always, and be it further enacted, That if any Person or Persons whosoever, supplied with Water by virtue of this Act, shall supply any other Inhabitant or any other Person whomsoever with any Part of such Water, or if any Person or Persons whosoever shall wilfully let off or cause to run to Waste any Water from any of the Pipes or other Conveniences of the said Proprietors, then in every such Case every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding the Sum of Ten Pounds, to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered; and it shall also be lawful for the said Company of Proprietors, if they shall so think fit, also to take off the Water from the House or Office of every Person so offending, for every such Offence.

Penalty on Persons supplied with Water supplying others and on Persons wilfully letting off the Water.

XIX. Provided always, and be it enacted, That it shall and may be lawful to and for any Person or Persons to make use of and employ the Water contained in any of the Reservoirs, Basons, Ponds, or Pipes belonging to the said Company of Proprietors, for the Purpose of extinguishing and quenching any Fire or Fires which may happen or break out in any House, Building, or other Premises, without making any Compensation or Satisfaction for the same to the said Company of Proprietors, or any other Person or Persons whomsoever.

In case of Fire, any Person may use the Water without Compensation.

XX. Provided nevertheless, That nothing herein contained shall extend or be construed to extend so as to subject any Person or Persons whomsoever
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Persons taking the Water may

supply others
also supplied,
when the
Pipes are out
of Repair.

soever supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any other Person or Persons, also supplied with Water by virtue of this Act, with any Quantity of such Water during such Time as the Pipe or Pipes, Cock or Cocks, belonging to any other Person or Persons supplied with Water by the said Company of Proprietors, shall or may happen to be out of Repair; such Pipe or Pipes, Cock or Cocks, nevertheless being repaired as soon as possible after any Damage shall happen thereto.

For provid-
ing Cisterns
for the Re-
ception of
Water.

XXI. And, in order to prevent as much as possible the wilful and negligent Waste of Water, be it further enacted, That each and every Person supplied with Water by the said Company shall, and he, she, and they is and are hereby required to provide a proper Cistern or Cisterns of Lead, Brick, Wood, or other Materials, to receive and hold such Quantity of Water as shall be by him, her, or them deemed sufficient for his, her, or their Consumption; and he, she, and they is and are hereby required to provide a Ball and Stop Cock, and to affix or cause to be affixed the same to the Pipe conducting the Water from the Main Pipe belonging to the said Company to such Cistern or Cisterns, for the Purpose of preventing the Water running into such Cistern or Cisterns from running to Waste when the same shall be full; and in case any Person or Persons supplied with Water by the said Company shall neglect to provide such Cistern or Cisterns, and also a Ball and Stop Cock, and to affix or cause to be affixed the same in Manner aforesaid, for the Purpose of preventing the Water from running to Waste when such Cistern or Cisterns shall be filled as aforesaid, it shall and may be lawful to and for the said Company, or any Person or Persons acting by virtue or under their Authority, to cut and turn off the Water, by such Ways and Means as to him or them shall seem right or proper, from the House, Building, or other Premises of every such Person, until such Cistern or Cisterns and Ball or Stop Cock shall be provided; and such Ball or Stop added in Manner aforesaid.

Company to
enter Pre-
mises, to see
that there is
no Waste of
Water.

XXII. And be it further enacted, That it shall and may be lawful to and for the Engineer or any other Person or Persons acting by or under the Authority of the said Company of Proprietors or of their Committee, at any Time or Times between the Hours of Ten of the Clock in the Forenoon and Four in the Afternoon, upon giving Twenty-four Hours previous Notice of his or their Intention, to enter into any House, Building, or other Premises supplied with Water by the said Company of Proprietors, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company of Proprietors; and if such Engineer, or other Person acting by or under the Authority of the said Company of Proprietors or their Committee, shall at any such Time or Times, after having given such Notice as aforesaid, be refused Admittance or Entrance into any such Dwelling-house, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or, on being admitted, shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to cut and turn off, or cause to be cut and turned off the Water supplied by the said Company of Proprietors, from such House, Building, or other Premises.

XXIII. And

XXIII. And in order to preserve the Water to be conveyed into the several Buildings and Premises clean and wholesome, be it further enacted, That if any Person shall bathe in any Reservoir, Bason, or Pond made or maintained by virtue of this Act; or wash any Dog or other Animal therein; or shall cast, throw, or put any Dog or other Animal, or any Filth, Dirt, or other noisome or offensive Thing, or wash or cleanse any Cloth, or any Wool, Leather, or the Skin of any Sheep, Lamb, or other Animal, or any noisome or offensive Thing, in any such Reservoir, Bason, or Pond; or cause, permit, or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into any such Reservoir, Bason, or Pond; or cause any other Annoyance to be done to the said Water contained in any such Reservoir, Bason, or Pond, whereby or by Means whereof the said Water or any Part thereof shall or may be soiled, rendered foul, or corrupted; then and in each and every such Case every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

For preserv-
ing the Water
clean and
wholesome.

XXIV. And be it further enacted, That the Property of, and in the Undertakings and Works by this Act authorized to be made and executed, subject as herein after mentioned, shall be and the same is hereby vested in the said Company of Proprietors.

The Property
of the Under-
taking vested
in the Com-
pany.

XXV. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors for the Time being to raise the Sum of Fourteen thousand Pounds, or such Part or Parts thereof as they from Time to Time shall think fit, by creating such Number of new or additional Shares of One hundred Pounds each in the said Canal and Waterworks authorized to be made by the said recited Acts and this Act, as they shall think requisite for the Purposes aforesaid, either amongst themselves, or by disposing of the same to any Person or Persons whomsoever, for any Sum not less than One hundred Pounds for each Share.

Enabling the
Company to
raise the Sum
of 14,000l. by
creating addi-
tional Shares
of 100l. each.

XXVI. And be it further enacted, That the said Shares shall be and are hereby vested in the several Persons so subscribing, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their own Use and Benefit, proportionably to the Sums they shall severally raise and contribute.

Such Shares
to be vested
in the Persons
subscribing.

XXVII. And be it further enacted, That the said new Shares, and the Sum and Sums of Money to be subscribed in respect thereof, shall be paid by Instalments of Ten Pounds *per Centum* upon such new Shares at the End of every Two Months, until the whole of the Money so subscribed shall be paid unto such Person or Persons, and at such Place, as the Committee of the said Company of Proprietors shall appoint and direct, the First Payment thereof to be made on the First Day of *July* next after the passing of this Act; and that if any Person or Persons shall neglect or refuse to pay the said Instalments at the Times aforesaid, and at the Place appointed by the said Committee, or within Twenty-one Days next afterwards, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share, to be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, by the said Company of Proprietors; and in case such Person or Persons shall continue to neglect or refuse to pay any of such Instalments for the Space of Six

Directing
how the Sub-
scriptions
shall be paid.

Calendar

Calendar Months next after the Time so appointed for the Payment thereof, then and in every such Case he, she, or they so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the General or Special Assemblies of the said Proprietors, be publicly sold for the Use of the rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid.

Power to the Company to raise Money on the Credit of the Undertaking.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors to borrow and take up at Interest the said Sum of Fourteen thousand Pounds, or any Part thereof, by Mortgage of the said Waterworks and Undertaking hereby authorized to be made, and the Rents and Profits to be received therefrom, and to assign the Property of the same Waterworks and Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Sums of Money), as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say),

Form of Mortgage.

‘ BY virtue of an Act made in the Forty-eighth Year of the Reign of
 ‘ King George the Third, intituled *An Act* [here insert the Title of
 ‘ *this Act*] We, the Company of Proprietors of the Grand Surrey Canal, in
 ‘ Consideration of the Sum of _____ to us in
 ‘ Hand paid by *A. B.* of _____ Do
 ‘ hereby bargain, sell, and assign unto the said *A. B.* his Executors, Ad-
 ‘ ministrators, and Assigns, the said Waterworks, and all the Works thereto
 ‘ belonging, and all and singular the Sums of Money arising and payable
 ‘ to us for Water by virtue of the said Act, and all our Estate, Right, Title,
 ‘ and Interest, of, in, and to the same, to hold to the said *A. B.* his Exe-
 ‘ cutors, Administrators, and Assigns, until the said Sum of _____
 ‘ _____ with Interest for the same after the Rate of
 ‘ *per Centum*, shall be fully paid and satisfied. Given under our Common
 ‘ Seal, this _____ Day of _____ in the Year of our
 ‘ Lord One thousand eight hundred and _____.

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Sums and Premises, according to the respective Sums in such Assignment mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall within Thirty Days from the Date of every such Assignment be entered in one or more Book or Books to be kept by the Clerk to the said Company, and such Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Person interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall

shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, which Transfer shall and may be in the Form or to the Effect following; (that is to say),

I A. B. of in Consideration of Form of
paid by C. D. of Assignment.

Do hereby transfer a certain Mortgage made by the
Company of Proprietors of the Grand Surrey Canal to
bearing Date the Day of for securing
the Sum of and all Interest now due and to become due
thereon, and all my Right and Property therein, to the said C. D. his
Executors, Administrators, and Assigns. Dated this Day of
in the Year of our Lord One thousand eight hundred
and

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

XXIX. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any Yearly or other Interest or Dividends due to the said Company of Proprietors or any of them shall be paid, made, or divided: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or be capable of acting or voting by virtue of such Mortgage or Assignment, at any Assembly or Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment.

XXX. And be it further enacted, That the Profits and Produce of and from the said Waterworks hereby directed to be made, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Company of Proprietors, and be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following; (that is to say) in the First Place, in Payment of the Charges and Expences of erecting, building, supporting, maintaining, and keeping in Repair the said Waterworks, Mains, Pipes, and other Works hereby authorized to be made, and making and executing all and every other the Powers, Purposes, and Trusts of this Act; in the Second Place, in paying the Interest accruing

[Loc. & Per.]

21 O

upon

upon the several principal Sums of Money which shall be borrowed and received in pursuance of this Act; and then in reducing, paying off, and discharging the several principal Sums of Money which shall be borrowed and secured in pursuance of this Act, equally, and without any Preference or Priority as to the Dates of the Securities or otherwise; and that the Residue of such Profits and Produce shall from Time to Time be applied and disposed of as the Gains and Profits of the said Canal and collateral Cuts and other Works are by the said recited Acts, or either of them, directed to be applied and disposed.

Recital of
47 Geo. 3. as
to raising
60,000l.

XXXI. And whereas the said Company of Proprietors were, by the said recited Act passed in the Forty-seventh Year of the Reign of His present Majesty, authorized to raise the Sum of Sixty thousand Pounds, or any Part or Parts thereof, by creating new or additional Shares of One hundred Pounds each, or at such other Rate as they might think proper; and it was also by the same Act enacted, that it should and might be lawful to and for the said Company of Proprietors, and they were thereby authorized and empowered, at any General or Special Assembly to be holden or convened in the Manner, and agreeably to the Directions contained in the said last-mentioned Act, or for their Committee for the Time being, from Time to Time to make any Call or Calls for Money from the Proprietor or Proprietors of a Share or Shares in the said Undertaking, in order to raise the said Sum of Sixty thousand Pounds, or so much thereof as should be deemed requisite, in the Manner and subject to the Regulations thereafter mentioned, so that no Call should exceed the Sum of Ten Pounds for each Share in the said Undertaking, and so that no Call should be made at a less Distance than One Month from the preceding Call, and that the Money so called for should be paid to such Person or Persons and in such Manner as the said General or Special Assembly or Committee shall from Time to Time appoint and direct; and that all and every the Owners or Owner of One or more Share or Shares in the said Undertaking should pay his, her, and their Share or Shares, or Proportion of the Monies to be called for as aforesaid, at such Time and Place and in such Manner as should be appointed as aforesaid, and of which Time and Place Twenty Days Notice should be given, by publishing the same in one or more Newspapers published or usually circulated in the said County of *Surrey*, or in any other Manner, as the said Company of Proprietors should at any General or Special Assembly direct or appoint; and such Sum or Sums of Money as should be paid in respect of every Share in the said Undertaking should be, and the same was and were thereby declared to be consolidated with every such Share, and should entitle the respective Owners thereof to a proportionable increased Share of the Profits and Advantages of the said Undertaking; and all Executors and Administrators were thereby empowered to pay their respective Proportions of the said Money to be called for as aforesaid, in respect of the Share or Shares of their Testators and Intestates respectively, and to charge the same to the Accounts of the Estate and Effects of such Testators and Intestates respectively: And whereas Calls have been made upon the said Proprietors pursuant to the said Act: And whereas it is expedient that so much of the said recited Act as directs the Consolidation of the Sums advanced by the said Proprietors on such Calls on their respective original Shares, with such Shares, should be repealed, be it therefore enacted, That so much of the recited Act as directs that the Sum and Sums of Money as shall be paid in respect of every Share in the said

said Undertaking should be consolidated with every such Share, shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

XXXII. And be it further enacted, That all and every the Body and Bodies Politic, Corporate, or Collegiate, and all and every Person and Persons whomsoever, their several and respective Successors, Executors, Administrators, and Assigns, who being entitled to any Share or Shares in the said Undertaking, by virtue of the said recited Act made in the Forty-fourth Year of the Reign of His present Majesty, and who shall have subscribed towards raising the said Sum of Sixty thousand Pounds to be raised in pursuance of the said recited Act made in the Forty-seventh Year of the Reign of His present Majesty, shall have paid or caused to have been paid the several Calls in order to raise the said Sum of Sixty thousand Pounds in pursuance of such Act, shall be, and he, she, and they, is and are hereby declared to be entitled to one Share in the said Undertaking to be executed by the said recited Acts and this Act, for or in respect of every such original Share so holden by him, her, or them; and that each and every Proprietor of each and every such additional Share shall be entitled to such and the same Powers, Privileges, and Advantages, and shall be subject to such and the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as if the Share or Shares so holden by him, her, or them, were Part of the Shares already created by virtue of the said hereinbefore mentioned or recited Acts, or either of them, and now vested in the several and respective Proprietors of the said Canal; and the Admission of all and every Person and Persons to any such new Share or Shares, by any Order or Resolution of the said Company of Proprietors, shall be and be deemed to be a good and effectual Title to such Person or Persons, and his, her, or their, respective Executors, Administrators, and Assigns; and such new or additional Shares shall be saleable and transferable in the same or the like Manner as the original Share and Shares is and are by the said hereinbefore mentioned or recited Acts, or either of them, made saleable and transferable.

Proprietors of original Shares answering all the Calls for raising the 60,000l. to be entitled to new Shares.

XXXIII. And be it further enacted, That all and every such new or additional Shares in the said Canal and collateral Cuts, and all and every the Shares in the said Waterworks, shall be and be deemed to be Personal Estate, and shall be transmissible as such, and shall not be of the Nature of Real Property.

The new Shares to be considered Personal Estate.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to advance and pay to the Proprietor or Proprietors of any Share or Shares of the said Canal already or to be created by virtue of this Act, by and out of the Profits of the said Canal, and the Money already received and hereafter to be raised under the Powers contained in the said recited Acts, or either of them, Interest after the Rate of Five Pounds for a Year for every One hundred Pounds already advanced or which may hereafter be advanced for or in respect of such Shares, and so in Proportion for a less Sum than One hundred Pounds; such Interest to commence from the Twenty-ninth Day of September One thousand eight hundred and seven on the Sums then advanced, and on the Sums which shall be advanced after the passing of this Act, from the advancing of the same, and to be paid on the Twenty-fifth Day of March and the Twenty-ninth Day of September in every Year.

The Company may pay Interest to the Proprietor of each Share, at the Rate of 5l. per Cent.

XXXV. And

XXXV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; *videlicet*,

Form of Conviction.

BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ A. B. is convicted before me C. D. One of His Majesty's Justices of the Peace for the County of _____ [specifying the Offence, and the Time and Place when and where committed, as the Case may be] contrary to an Act passed in the Forty-eighth Year of the Reign of King George the Third, intituled [here set forth the Title of the Act]. Given under my Hand and Seal the Day and Year first above mentioned.

For punishing Persons guilty of Perjury.

XXXVI. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath by virtue of this Act, shall wilfully give false Evidence, or otherwise forswear themselves before any Jury or Committee acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Powers of former Acts extended to this Act.

XXXVII. And be it further enacted, That the said recited Acts, and all and every the Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Modes of settling Damages and Compensations, Articles, Matters, and Things whatsoever therein respectively contained (save and except such Parts of the same as are hereby altered, varied, or repealed), shall be and the same is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual for carrying this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

For paying Expences of the Act.

XXXVIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, out of any Money already raised or received, or out of the first Money to be raised or received by virtue of the said recited Acts.

Public Act.

XXXIX. 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.

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