



ANNO DECIMO

GEORGII IV. REGIS.

Cap. lxxix.

An Act to explain and amend an Act passed for supplying with Water the Town and Suburbs of *Shrewsbury* in the County of *Salop*.

[22d *May* 1829.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for supplying with Water the Town and Suburbs of Shrewsbury in the County of Salop*, whereby several Persons were united and were created a Body Politic and Corporate, by the Name and Style of "The *Shrewsbury Waterworks Company*," for the Purpose of supplying with Water the said Town and Suburbs, and of executing the several other Objects in the said Act mentioned; and Power was given to the said Company to purchase Lands, and to erect Waterworks and other Works and Conveniences for the Purposes of such Act, and (among other Things) to erect Steam Engines in the Situation described in such Act: And whereas considerable Progress has been made in the said Undertaking; but in the Execution of the Powers of the said Act it has been ascertained that the Situation prescribed by such Act as the Site for the necessary Steam Engines is ineligible by reason of the Badness of the Ground; and it therefore is expedient that Power should be granted for the Purchase of other Land for a Site for such Steam Engines: And whereas it is also expedient that some of the Powers and Provisions of the said Act should be repealed or amended, enlarged and explained, and that

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further

Powers of former Act extended to this Act, except as hereby repealed or altered.

further and additional Powers should be granted and made: And whereas the Purposes herein-before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers and Provisions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Matters, and Things therein contained, shall, except so far as they are repealed, varied, or altered, continue in full Force and Effect, and shall, so far as the same are applicable, be as valid and effectual for carrying this Act into execution as if they had been repeated and re-enacted in the Body of this Act.

So much of former Act as fixes the Situation of the Steam Engines, repealed.

II. And be it further enacted, That so much of the said recited Act as provides that the Steam Engines to be erected under the Powers of such Act shall be erected on a certain Piece or Parcel of waste or spare Land or Ground adjoining or near to the River *Severn*, at a certain Place called *Cotton Hill*, shall be and the same is hereby repealed.

So much of former Act as limits any Deviation from the Plan deposited with the Clerk of the Peace, repealed.

III. And be it further enacted, That so much of the said recited Act as enacts that the said Company shall not, in carrying into execution any of the Purposes of such Act, deviate more than One hundred Yards from the Situation or Course described or delineated on the Map or Plan of the Waterworks, or in the Book of Reference thereto, which had been deposited with the Clerk of the Peace for the County of *Salop*, shall, so far as relates to the Situation of the Steam Engines to be erected for the Purposes of the said Undertaking, be and the same is hereby repealed.

Power to erect Steam Engines.

IV. And be it further enacted, That it shall be lawful for the said Company to erect and maintain One or more Steam Engine or Steam Engines, and for that Purpose to contract and agree with any Person willing to sell the same for the Purchase of any Lands, Tenements, or Hereditaments, not exceeding in aggregate Quantity One Statute Acre, within the Town and Suburbs of *Shrewsbury* aforesaid, and generally to execute and perform all such Works, Acts, and Matters as shall be necessary for the Purposes aforesaid, in the Manner and according and subject to the Provisions and Directions mentioned and contained in the said recited Act (and not hereby repealed, varied, or altered,) in reference to the Land to be purchased, taken, and held, and the Steam Engines to be erected, under the Authority of such Act.

Power to sell Lands to the Company.

V. And be it further enacted, That it shall be lawful for all Bodies Politic and Corporate, and for all Persons whomsoever, willing to sell any Lands, Tenements, Buildings, or Hereditaments for the Purchase of which the said Company are by this Act authorized and empowered to contract and agree, to contract for, sell, and convey the same and every Part thereof to the said Company, and generally to execute and perform all such Works, Acts, Conveyances, Assurances, Matters, and

and Things as shall be necessary for the Purposes aforesaid, in like Manner and according and subject to the like Provisions and Directions as are mentioned and contained in the said recited Act (and not hereby repealed, varied, or altered,) in reference to Land to be purchased, taken, and held under and by virtue of such Act.

VI. And whereas it is expedient that the Period limited by the said recited Act for the Completion of the Works by such Act authorized to be made should be enlarged; be it therefore enacted, That the Time granted by the said recited Act for the Completion of the Waterworks and other Works by such Act authorized shall be enlarged to the further Term of Five Years, to be computed from the passing of this Act: Provided always, that in case the Waterworks and other Works by the said recited Act and by this Act authorized shall not have been completed within the said Term of Five Years, so that at least so much of the said Town of *Shrewsbury* as lies within the Walls thereof shall be sufficiently supplied with Water to answer the Purposes generally for which the Undertaking was designed, the Powers and Authorities by the said recited Act or by this Act given to or conferred upon the said Company for making such Waterworks and other Works shall, at the Expiration of the said Term, cease and determine, save only as to so much thereof as shall be certified to have been completed within the said Term by the Justices of the Peace acting for the said Town and Liberties of *Shrewsbury* assembled at any General or Quarter Sessions of the Peace to be held in and for the said Town and Liberties within Three Calendar Months next after the Expiration of the said Term of Five Years, upon the Evidence of some credible Witness to be examined before such Justices.

Extending Time for completing Works authorized by former Act.

VII. And be it further enacted, That so much of the said recited Act as enacts, that if any Body Politic, Corporate, or Collegiate, or any Feme Covert, or any Tenant for Life, or Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any Lands, Messuages, or Tenements which the said Company are enabled by this Act to contract and agree for and to purchase, shall refuse to contract and agree for and sell the same as aforesaid, or by reason of Absence or otherwise shall be prevented from contracting or agreeing, or shall decline or refuse to sell, convey, and dispose of the Hereditaments and Premises whereof, wherein, or whereunto they respectively shall be seised, possessed of, interested in, or entitled to as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Company, or to such Person or Persons as they shall nominate for the Purpose, and according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the said Hereditaments and Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Company or their legal Adviser, or if any Dispute or Difference shall arise touching such Purchase or Purchases, then and in every such Case the said Company or the said Directors are hereby empowered and authorized, before any General Quarter Sessions of the

So much of former Act as directs Compensation for Land, &c. to be settled by Jury, repealed.

the Peace to be holden for the said Town and Liberties of *Shrewsbury*, to give or cause to be given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Owner or Owners, or to leave or cause to be left at the House of the Tenant in Possession, Ten Days Notice in Writing denoting and particularly describing the Building or Buildings, House or Houses, Lands, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said General Quarter Sessions of the Peace for the said Town and Liberties, or at any Adjournment thereof; upon Proof to them made of such Notice having been given or left as aforesaid, they are hereby authorized and required to charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the said Buildings, Houses, Lands, Tenements, or other Hereditaments comprised in the Notices so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, and to which said Juries the said Company, and all Persons interested in the said Buildings, Houses, Lands, Tenements, or other Hereditaments, shall have their lawful Challenges, but shall not challenge the Array; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Houses, Buildings, Lands, Tenements, or other Hereditaments so to be sold or conveyed as aforesaid, shall by their Verdict assess the Value and the Damages and Recompence to be given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive on the said Company, and to all and every Person and Persons interested in the said Buildings, Houses, Lands, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said Town and Liberties, and the same or true Copies thereof shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same *gratis*, and have Copies thereof, paying Four-pence for every Seventy-two Words, and so in proportion for any greater or less Number of Words; shall be and the same is hereby repealed.

Value of
Premises to
be ascer-
tained by the
Grand Jury
or other Jury
assembled at
the Quarter
Sessions.

VIII. And be it further enacted, That if any Person or Party interested in any Lands, Tenements, or Hereditaments which the said Company are by the said recited Act or by this Act enabled to purchase and take, shall refuse or neglect to treat, or shall not agree in the Premises, or, by reason of Absence or otherwise, shall be prevented from treating, then and in every such Case the said Company are hereby empowered, before any General or Quarter Sessions of the Peace to be holden for the said Town and Liberties of *Shrewsbury*, to give Ten Days Notice in Writing to such Person, or to leave the same at the Dwelling House or usual Place of Abode of such Person, or of the principal Officer of any Corporation or Body, or of the Tenant in Possession of the Lands, Tenements, or Hereditaments, describing

describing the Premises intended to be purchased, and purporting that the Value thereof is intended to be ascertained and settled by a Jury at the said General or Quarter Sessions of the Peace for the said Town and Liberties, or at any Adjournment thereof; and the Justices assembled at the said Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been served as aforesaid, shall and they are hereby authorized and required to charge the Grand Jury, or the Jury to try Prisoners, assembled at such Sessions or at any Adjournment thereof, to assess the Value of the Lands, Tenements, or Hereditaments comprised in such Notice, and the Recompence to be awarded for the same or for any Damage thereto; and all Parties concerned shall have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Justices shall, by ordering a View or otherwise, use all lawful Means as well for their own Information as for the Information of the Jury; and after such Jury shall have inquired of and assessed such Value or Recompence, the said Justices shall determine, adjudge, and order the Sum so ascertained by the said Jury to be paid to such Person or Party as aforesaid, or other proper Persons interested in the Premises, according to the Verdict of such Jury; which said Verdict, and the Determination, Judgment, and Order thereon, shall be binding and conclusive upon all Persons and Parties interested; and such Verdict, and the Determination, Judgment, and Order thereupon, shall be fairly entered and kept among the Records of the Sessions for the said Town and Liberties, and the same or true Copies thereof shall be good Evidence in all Courts and upon all Occasions; and all Persons may have Recourse to the same *gratis*, and have Copies thereof, paying after the Rate of Four-pence for every Seventy-two Words, and so in proportion for any less Number of Words.

IX. And whereas by reason of the Purchases which the said Com-

The Com-
pany may
resell Lands
which may
not be
wanted.

pany are by the said recited Act or this Act empowered to make, they may happen to be seised of more Lands, Tenements, Buildings, or Hereditaments than may be necessary for effecting the Purposes of the said recited Act or this Act; be it therefore enacted, That it shall be lawful for the said Company to sell or dispose of any Part of such Lands, Tenements, Buildings, or Hereditaments, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in the said recited Act or this Act contained, or any other Law, Statute, or Custom, to the contrary thereof notwithstanding; and upon Payment of the Money which shall arise from the Sale or Sales of such Lands, Tenements, Buildings, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold; which Receipts shall be sufficient Discharges to any Person for the Purchase Money for such Lands, Tenements, Buildings, or Hereditaments, or for such Parts or Parcels thereof as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such

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Person

Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or of any Part thereof.

The Word
"grant" to
amount to
certain
Covenants.

X. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of this Act, the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantees or other Purchasers, their respective Heirs, Executors, Administrators, or Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, that the Purchaser or Purchasers thereof, his, her, or their Heirs and Assigns, shall quietly enjoy the same against the said Company, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises, by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Purchasers or Grantees, and their several and respective Heirs, Executors, Administrators, and Assigns, shall and may, in any Action to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Expences of
Act.

XI. And be it further enacted, That all Costs, Charges, and Expences of obtaining and passing this Act, and all other Costs, Charges, and Expences in any Manner incident thereto, shall be paid by the said Company out of the Money already received, or out of the first Money to be received by virtue of the said recited Act or this Act, in preference to all other Payments whatsoever.

General
Power to
Justices to
administer
Oaths, &c.

XII. And be it further enacted, That in all Cases where any Justices of the Peace are by the said recited Act or by this Act authorized to examine any Person, or to hear or determine any Matter or Complaint, it shall be lawful for such Justices, and they are hereby empowered and required, to administer an Oath to or to receive the Affirmation of any such Person before he shall be so examined.

Public Act.

XIII. 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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