ANNO UNDECIMO

Georgii III. Regis.

CAP. XXXIV.

An Act for enabling certain Persons to inclose and embank Part of the River *Thames*, adjoining to *Durham Yard*, *Salisbury Street*, *Cecil Street*, and *Beaufort Buildings*, in the County of *Middlesex*.

WHEREAS the Course of the River Thames forms a large Bend or Angle round the Surrey Shore, between Westminster Bridge and the New Bridge at Black Friars, in the Middle of which Bend the said River is much wider than at either of the said Bridges, which tends to weaken the Rapidity of the Stream, and thereby contributes to an Accumulation of Mud and Silt on the Westminster Side, and to a very extensive Sand Bank, on the other Side; And whereas the Navigation of Preamble.

6

the said River is greatly impeded by the said Sand Bank, especially at Low Water, and the Mud and Silt so collected on the North Shore renders the Access to the Wharfs and Grounds on that Side very difficult, and in some Parts of the Tide impassible, to the manifest Injury of the Publick, as well as private Detriment to the Proprietors of the said Wharfs and Grounds: And whereas the said Navigation might be greatly improved, and the said Nuisances and Inconveniencies considerably diminished by an Embankment on the North Part of the said River, within the Bay or Hollow of the said Bend, which, by advancing the unequal and irregular Fronts of the said Wharfs and Grounds into an uniform Line, would give a proper Direction to the Stream, and, by narrowing the unnecessary Width of the Bed of the said River in this Part, would considerably deepen the Channel thereof: And whereas John Adam, Robert Adam, James Adam, and William Adam, and James Paine, Architects, Dorothy Monk Widow, Clementina Pawson Widow, and William Kitchiner Coal Merchant, having very valuable Freehold and Leasehold Interests in the Houses, Wharfs, and Grounds in Durham Yard, Salisbury Street, Cecil Street, and Beaufort Buildings, next adjoining to the said River, are willing to execute such Embankment in the Front of their respective Properties at their own Expence; But such Embankment cannot be lawfully and effectually made without the Authority of Parliament; may it therefore please Your Majesty, upon the humble Petition of the said John Adam, Robert Adam, James Adam, and William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, 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 John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, their respective

ſpective Heirs, Executors, Adminiſtrators, or Aſſigns, at their own proper Coſts and Charges, to incloſe and embank ſo much of the Ground and Soil of the ſaid River, as lies on the North Side thereof, in the Front of their reſpective Houſes, Wharfs, and Grounds in Durham Yard, Saliſbury Street, Cecil Street, and Beaufort Buildings, aforeſaid, ſo as the Wall of ſuch Embankment next the ſaid River do run in a Line nearly parallel with, and not exceeding the Diſtance of Eighty Feet from the Terras lately begun, and now nearly completed in the Front, and intended to conſtitute a Part of certain Buildings at or near Durham Yard aforeſaid, called The Adelphi, from a Point in the ſaid River, over-againſt the South East Corner of the ſaid Terras, to another Point in the ſame River, over-againſt the South Weſt Corner of the ſame Terras; and from thence, with a convex-circular Sweep, from the ſaid laſt-mentioned Point, to the South East Corner of the Terras belonging to York Buildings, and ſo as the ſaid Wall next the ſaid River do run in a ſtrait Line, from the ſaid firſt-mentioned Point, to a Point in the ſaid River over-againſt and in a Line with, and not exceeding the Diſtance of Sixty Feet from the East Boundary of the Ground and Buildings of the ſaid William Kitchiner; and from the ſaid laſt-mentioned Point, with a convex circular Sweep, to the South Weſt Corner of the projecting Wall of the Buildings commonly called The Savoy; the Foundations of the ſaid Front Wall to be made with ſuch Set-off towards the ſaid River, and the ſaid Wall to be guarded with ſuch Piles, and other Defences, as ſhall be thought requiſite or expedient for ſecuring the Stability and Duration thereof.

Ground of the River ſo to be embanked in the Front of each Houſe, to be veſted in the Owner.

And be it further enacted by the Authority aforeſaid, That the Ground and Soil of the ſaid River ſo to be incloſed and embanked in the Front of ſuch reſpective Houſe, Wharf, or Piece of Ground, ſhall veſt, and the ſame is hereby veſted in the Owner or Owners, Proprietor or Proprietors of ſuch adjoining Houſe, Wharf, or Ground reſpectively, according to his, her, or their reſpective Eſtates, Truſts, or Intereſts therein.

No Sheds, &c. to be erected on the Ground to be embanked.

Provided always, That no Shed or Sheds, Building or Buildings, of any Kind whatsoever, higher than Twenty Feet above the Level of High Water Mark (except as herein after is mentioned) shall at any Time or Times hereafter be erected or built upon any Part of the said Ground and Soil, so to be inclosed and imbanked; nor shall the same contain any Fire-place, Chimney, or Funnel, for the Conveyance of Smoke, which shall vent itself above the Top of any such Shed or Building; nor shall any Coals, Timber, Planks, or other Goods, Wares, or Merchandises, be piled up upon any Part of the said Ground and Soil higher than Thirty Feet above the Level of high Water Mark, upon Pain that every Shed or Building, Fire-place, Chimney, or Funnel, which shall be erected or built, and all Coals, Timber, Planks, Goods, Wares, and Merchandises, which shall be piled up upon any Part of the said Premises, contrary to the true Intent and Meaning hereof, shall be deemed, construed, and taken to be a publick Nuisance, and may be proceeded against and redressed as a publick Nuisance; and all and every Person and Persons guilty thereof, shall and may be prosecuted or indicted accordingly; any Thing herein before contained to the Contrary thereof in any-wise notwithstanding.

Terras at *Durham Yard*, may be extended to the *Savoy*.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Owner or Owners, Proprietor or Proprietors of such respective Houses, Wharfs, and Grounds, to build or erect upon the said Ground, so to be inclosed and embanked as aforesaid, such Buildings as shall be necessary for completing the said Terras and Buildings called The Adelphi, according to the present Plan or Design thereof; and also such Buildings as shall be necessary for continuing such Terras Eastward from The Adelphi, to the South-west Corner of the Buildings commonly called The Savoy; any Thing herein before contained to the Contrary notwithstanding.

And

And whereas the Mayor and Commonalty, and Citizens of the City of London, claim a Right to the Soil of the River Thames, so proposed to be inclosed and embanked as aforesaid, and on that Account insist, that the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, ought to make Satisfaction to them the said Mayor and Commonalty, and Citizens of London, for the Liberty of embanking as aforesaid: And whereas it is just and reasonable, that the said Mayor and Commonalty, and Citizens of London, should be at Liberty to try the said Right at Law; be it therefore enacted, That it shall and may be lawful to and for the said Mayor and Commonalty, and Citizens, to proceed to a Trial of the said Claim before the Chief Justice, or any other of the Judges of his Majesty's Court of King's Bench, or Court of Common Pleas, at the Sittings of Nisi Prius, in the said County of Middlesex, in or after Michaelmas Term now next ensuing, in a feigned Action for that Purpose, to be commenced in his Majesty's said Court of King's Bench, or Court of Common Pleas, on or before the First Day of Trinity Term now next ensuing, wherein the said Mayor and Commonalty, and Citizens, shall be Plaintiffs, and the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, Defendants, upon One or more Issue or Issues, to be settled by the Court in which the said Action shall be commenced, if the Parties shall differ in the settling thereof; which Issue or Issues to be tried by a special Jury of Freeholders of the said County of Middlesex, whose Verdict thereupon, if the same shall be satisfactory to the Court where the Cause is tried, shall be final and conclusive to all the said Parties; and in case a Verdict shall be found for the said Mayor and Commonalty, and Citizens, as to the said Right, the said Jury shall, upon their Oaths enquire, as well what Damages have been, or will be sustained by, and what Recompence and Satisfaction ought to be made to the said Mayor and Commonalty, and Citizens of London, for

Rights of the Citizens of *London*, to be tried at Law.

for so much of the Soil of the said River Thames as shall be taken away for the Purpose of imbanking as aforesaid, as well as the respective Parts and Proportions of such Damages and Satisfaction which ought to be paid by the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, according to their several and respective Interests in the Soil of the said River so to be imbanked, and to indorse the same upon the Postea; and for the better ascertaining such Damages, and the said Proportions thereof as aforesaid, the Court in which the said Action shall be commenced, shall, upon the Application of either of the Parties, cause the said Jury to view the Places in question; to which said Jury, as well the said Mayor and Commonalty, and Citizens, as the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, or any of them, and all others interested, shall have their lawful Challenges; and the said Court where the said Action shall be tried, shall, upon the Verdict of the said Jury, in such feigned Action, give Judgement thereon according to Law; which Judgement shall be recorded by the said Court, and shall finally bind and be conclusive to the said Mayor and Commonalty, and Citizens of London, and also to the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, and all others interested in the said Imbankment.

Right of the Dean and Chapter of *Westminster* may be tried.

And whereas the Dean and Chapter of the Collegiate Church of Saint Peter in Westminster, do also claim a Right to the Soil of the said River Thames, within the Liberty of the said City of Westminster, and on that Account insist, that the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, ought to make Satisfaction to the said Dean and Chapter for the Liberty of imbanking as aforesaid: And whereas it is just and reasonable that the said Dean and Chapter should be at Liberty to try the said Right at Law; be it therefore enacted, That it shall and may be lawful to and for the said

Dean and Chapter to proceed to a Trial of the said Right before the Chief Justice, or any other of the Judges of his Majesty's Court of King's Bench, or Court of Common Pleas, at the Sittings of Nisi Prius, in the said County of Middlesex, in or after Michaelmas Term now next ensuing, in a feigned Action for that Purpose, to be commenced in his Majesty's said Court of King's Bench, or Court of Common Pleas, on or before the First Day of Trinity Term now next ensuing, wherein the said Dean and Chapter shall be Plaintiffs, and the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, Defendants, upon One or more Issue or Issues, to be settled by the Court in which the said Action shall be commenced: If the Parties shall differ in the settling thereof, such Issue or Issues to be tried by a special Jury of Freeholders of the said County of Middlesex, whose Verdict thereupon, if the same shall be satisfactory to the Court where the Cause is tried, shall be final and conclusive to all the said Parties: And in case a Verdict shall be found for the said Dean and Chapter as to the said Right, the said Jury shall, upon their Oaths, enquire, as well what Damages have been or will be sustained by, and what Recompence and Satisfaction ought to be made to the said Dean and Chapter for so much of the Soil of the said River Thames as shall be taken away for the Purpose of imbanking as aforesaid, as well as the respective Parts and Proportions of such Damages and Satisfaction which ought to be paid by the said John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawson, and William Kitchiner, according to their several and respective Interests in the Soil of the said River so to be imbanked, and to indorse the same upon the Postea: And for the better ascertaining such Damages, and the said Proportions thereof as aforesaid, the Court in which the said Action shall be commenced shall, upon the Application of either of the Parties, cause the said Jury to view the Places in question; to which said

Jury, as well the ſaid Dean and Chapter as the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, or any of them, and all others intereſted, ſhall have their lawful Challenges: And the ſaid Court where the ſaid Action ſhall be tried ſhall, upon the Verdict of the ſaid Jury in ſuch feigned Action, give Judgement thereon according to Law; which Judgement ſhall be recorded by the ſaid Court, and ſhall finally bind and be concluſive to the ſaid Dean and Chapter, and alſo to the ſaid John Adam, Robert Adam, James Adam, William Adam, James Paine, Dorothy Monk, Clementina Pawſon, and William Kitchiner, and all others intereſted in the ſaid Imbankment.

Publick Act. And be it further enacted by the Authority aforeſaid, That this Act ſhall be allowed in all Courts whatſoever as a Publick Act; and all Judges, Juſtices, or other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

FINIS.