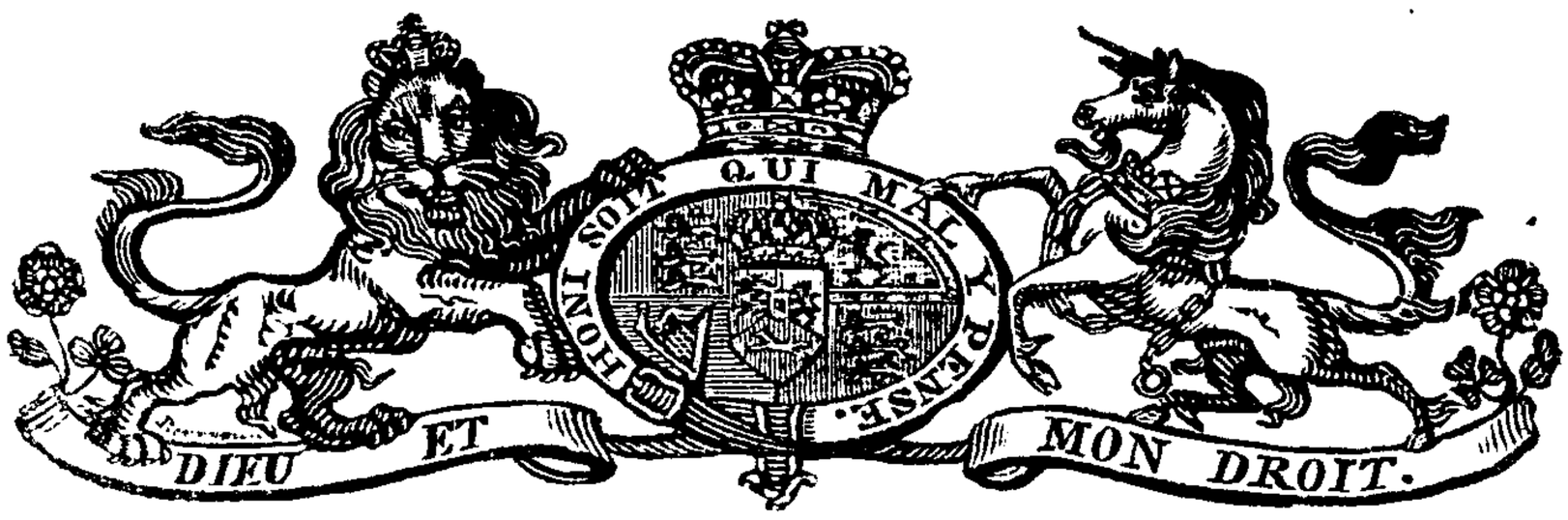


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prietors; and various other Powers and Authorities were given to the said Company of Proprietors, and various Provisions made for enabling them to make, complete, and maintain such Waterworks, Aqueducts, Reservoirs, Engines, Pipes, and other Works, as therein specified, for the Purpose of supplying with Water the Inhabitants of the Borough and Liberties of *Portsmouth*, and the Towns and Parishes of *Portsmouth* and *Portsea* and Places adjacent, and the Shipping belonging or resorting to the Port of *Portsmouth*: And whereas the said Company of Proprietors accordingly commenced the said Undertaking, and proceeded to make such Works as aforesaid; and for that Purpose have raised by Subscription the Sum of Forty thousand Pounds, and have also borrowed and raised by Mortgage of the said Undertaking the further Sum of Twelve thousand two hundred and seventy-seven Pounds and Eight-pence; which said Sums of Money have been duly applied for and towards the Purposes of the said recited Act, and by means thereof the said Works have been brought to such a State of Forwardness as to enable the said Company thereby to supply (as in fact they have for several Years past thereby supplied) the Inhabitants of the Places aforesaid, and also the Shipping in the said Port, with good and wholesome Water; but nevertheless, by reason of the Insufficiency of the said Sums of Money, the said Works have never been totally and perfectly finished and completed; and for want of being so completed, and of regular Repair, the same have begun to fall into Decay, and the Quantity and Quality of the Water thereby supplied have materially fallen off, and the said Works are in danger of becoming totally useless, unless the same be speedily and effectually completed and repaired; but the said Company are unable to raise for the Purposes aforesaid, either by Subscription or Mortgage, upon the Terms and in the Manner prescribed by the said recited Act, any further Sum of Money beyond the Sums which have already been so raised and borrowed as aforesaid: And whereas considerable Arrears of Interest are due to the several Persons who are entitled to Monies secured upon Mortgages of the said Undertaking, by virtue of the said recited Act: And whereas it will require, for the Purposes of effectually carrying on, completing, and repairing the said Works, and discharging such Arrears of Interest as aforesaid, a larger Sum of Money than the Residue of the Monies which the said Company are authorized and empowered to raise by the said recited Act: And whereas it is expedient that the said Company should have Power to raise a further Sum of Money, for effecting the Purposes aforesaid, as herein-after mentioned; and that Provision should be made for bettering the Security and Remedy of Persons who have already or may hereafter advance any Sum of Money on Mortgage of the said Works, pursuant to the Powers contained in this Act or in the said recited Act: 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 all and every the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Matters, and Things whatsoever, in the said recited Act contained, so far as the same are not altered, varied, or repealed,

Powers of former Act to extend to this Act.

repealed, shall or may be put in execution for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in and by this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever except as aforesaid, be construed as One Act.

Company to have Power to raise a further Sum of 8,000*l.* beyond what has been already raised, in Shares of 50*l.* each.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors of the *Portsea Island* Waterworks to raise and contribute among themselves, or by the Admission of new Subscribers, in addition to the Sums of Money which they have so already raised and borrowed as aforesaid under and by virtue of the said recited Act, any further Sum or Sums of Money not exceeding in the whole the further Sum of Eight thousand Pounds, in such Proportions as they shall think fit; which said further Sum or Sums of Money, and every or any Part thereof, when raised, shall be laid out in the first place in paying the Expences of obtaining this Act, and then in carrying the Purposes of the said recited Act and of this Act into Execution, and in paying off and discharging the said Arrears of Interest so due upon the Mortgages of the said Undertaking as aforesaid, and also in the Payment of Judgment and other Creditors; and such further Sum or Sums shall be divided into Shares of Fifty Pounds each; and such new or additional Shares so to be created by virtue of this Act, and the several Shares made or created by virtue of the said recited Act, shall to all Intents and Purposes be and they are hereby declared to be consolidated and to be one and the same Joint Stock and Property; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whomsoever, and their several and respective Successors, Executors, Administrators, and Assigns, who have severally subscribed for one or more Share or Shares, and have paid such Sum or Sums of Money as have been called for or demanded under and by virtue of the said recited Act, or who shall severally subscribe for one or more additional Share or Shares, and shall pay such Sum or Sums of Money as shall be called for or demanded under and by virtue of this Act, shall respectively be entitled to and receive the entire and net Distribution of a proportionate Part of the Profits or Advantages that shall or may arise or accrue by virtue of the said recited Act and this Act, or either of them, from the said Undertaking, corresponding to the respective Sum or Sums of Money which they shall have so respectively paid; and all Persons, and Bodies Politic, Corporate, or Collegiate, and Parties whosoever, who shall subscribe for, hold, or be entitled to any such new or additional Share or Shares, shall be subject to the Provisions and Regulations of the said recited Act respecting the Payment of Subscriptions, in such and the same Manner in all respects as if they were or had been respectively Subscribers or Holders of original Shares under the said recited Act, and shall bear and pay a proportionate Sum towards carrying on the said Works respectively, in manner directed by the said recited Act or this Act: Provided always, that the said Company of Proprietors shall not hereafter raise or borrow any further Part of the said Sum of Twenty thousand Pounds, by the said recited Act authorized to be raised or borrowed as aforesaid.

III. And

Shares created by virtue of this Act to stand on the same footing with original Shares.

III. And be it further enacted, That all Persons and Bodies Politic, Corporate, or Collegiate, and Parties whomsoever, who shall be Proprietors of any Share or Shares which shall or may be created by virtue of this Act, shall be Members of the said Company, and shall have and be entitled to such and the same Privileges, Powers, and Advantages as are granted by the said recited Act to the Proprietors or Holders of Shares therein mentioned, and shall be subject to such and the same Rules, Regulations, Restrictions, Qualifications, Penalties, Forfeitures, and Payments, as in and by the said recited Act are expressed and contained of and concerning the original Shares created by virtue thereof, and of and concerning the Holders or Proprietors of such original Shares of and in the said Undertaking, except so far as such Privileges, Powers, Advantages, Rules, Regulations, Restrictions, Qualifications, Penalties, Forfeitures, and Payments, or any of them, are or is abolished, extinguished, taken away, altered, or varied by this Act; and the Admission of all and every Persons and Person, Bodies and Body Politic, Corporate, or Collegiate, and Parties and Party whomsoever, to any such new Shares or Share, by an Order or Resolution of the said Company, or of their Board of Directors, shall be and be deemed to be a good and effectual Title for such Persons or Person, Bodies or Body, or Parties or Party thereto, and their, his, or her respective Successors, Executors, Administrators, and Assigns, on their, his, or her paying to the said Company, or their Treasurer or Collector for the Time being, the Sum or Sums of Money required to be paid for such Shares respectively, within the Time limited in such Order or Resolution for that Purpose: Provided always, that no Person, Body Politic, Corporate, or Collegiate, or Party whomsoever, becoming a Proprietor or Holder of any such new or additional Share or Shares so to be created by virtue of this Act, shall be entitled to vote at any General or Special Meeting or Assembly of the said Company, in respect of any such Share or Shares, until he, she, or they shall have paid up the whole Sums subscribed for the said Share or Shares; nor shall any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, or Party or Parties whomsoever, be entitled to more than Ten Votes in the whole, though possessed of more than Ten Shares.

Shares to be Personal Estate.

IV. And be it further enacted, That all and every such new or additional Shares and Share of and in the said Undertaking, or the Joint Stock or Funds of the said Company, so to be created by virtue of this Act, shall be and be deemed and taken to be Personal Estate, and transmissible as such, and not in the Nature of Real Property.

Power to borrow the said further Sum of 8,000*l.* by Mortgage of the said Undertaking.

V. Provided always, and be it enacted, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Eight thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest all or any Part of the said Sum of Eight thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors

Proprietors by virtue of the said recited Act and this Act, or either of them, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Sums of Money so to be borrowed,) as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, and shall be in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act made in the Year of the Reign of 'King *George* the Fourth, intituled *An Act* [*here insert the Title* '*of this Act,*] we, the Company of Proprietors of the *Portsea Island* 'Waterworks, 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, Administrators, and 'Assigns, the said Undertaking, 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 of another Act made in 'the Forty-ninth Year of the Reign of King *George* the Third, inti- 'tuled *An Act for better supplying with Water the Borough of* 'Portsmouth, *and the Parishes of* Portsmouth *and* Portsea, *and Places* '*adjacent, in the County of* Southampton, or by virtue of either of the 'same Acts, and all our Estate, Right, Title, and Interest of, in, and 'to the same Undertaking, Works, and Sums of Money; to hold unto 'the said *A. B.*, his Executors, Administrators, and Assigns, until the 'said Sum of with Interest for the same after the Rate 'of *per Centum per Annum,* shall be fully paid and 'satisfied. Given under our Common Seal this Day of 'in the Year of our Lord .'

Or in any other Form or to any other Effect which may appear to be better adapted to the Circumstances:

Powers given to Mortgagees under former Act to extend to Mortgagees under this Act.

And that all and every the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Advantages, Restrictions, Clauses, Matters, and Things in the said recited Act contained, with respect to the Assignments or Mortgages thereby authorized to be made, and the Monies due on such Assignments or Mortgages, and the Persons to whom such Assignments or Mortgages shall or may have been made or transferred, shall (so far as the same are not altered or varied by this Act) extend and be construed to extend and operate and be in force with respect to the Assignments or Mortgages by this Act authorized to be made, and the Monies which shall or may be or become due thereon, and the Person or Persons to whom the same shall or may be made or transferred: Provided always, that all and every such Assignments or Mortgages to be made by virtue of this Act, as aforesaid, shall in all Respects and to all Intents and Purposes have Priority over and precede all Assignments or Mortgages made by virtue of the said recited Act, any thing therein contained to the contrary thereof in anywise notwithstanding; and that the Interest of the Money which shall be so borrowed or raised by Mortgage, by virtue of this Act as aforesaid, shall be provided for and paid Half-yearly to the several Persons respectively entitled thereto, not only

Mortgages under this Act to have Precedence over old Mortgages.

before any yearly or other Interest or Dividends shall be paid, made, or divided to or among the said Company of Proprietors or any of them, but also before any Half-yearly or other Interest, or any Sum or Sums of Money, either for Principal or Interest, shall be paid to any Person or Persons in respect of any Mortgage or Mortgages of the said Undertaking made by virtue of the said recited Act; and that no Part of the Principal Money secured by any Mortgage or Mortgages of the said Undertaking made by virtue of the said recited Act, nor any Sum or Sums of Money for or in respect of such Principal Money, shall at any Time or Times be paid to any Person or Persons by way of paying off or discharging such Principal Money, or any Part thereof, so long as any Sum or Sums of Money shall remain due either for Principal or Interest upon or in respect of any Mortgage or Mortgages of the said Undertaking, to be made by virtue of this Act, unless on every such Occasion every Person entitled to any Sum or Sums of Money which shall then be so remaining due upon any Mortgage or Mortgages to be made by virtue of this Act, shall first have had the Offer of having his, her, or their Mortgage Monies paid off, and shall decline such Offer: Provided also, that all Persons to whom any Assignments or Mortgages of the said Undertaking shall be made or transferred, by virtue of this Act, shall be equally entitled, one with the other, to their respective Proportions of the Sums of Money and Premises so to be assigned to them, according to the respective Sums in such Assignments or Mortgages respectively mentioned to be advanced, without any Preference among themselves by reason of the Priority of any such Assignments, or on any other Account.

Clerk not to act as Treasurer, and vice versâ.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who now is or may be appointed to act as Clerk in the Execution of this Act or the said recited Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act or the said recited Act, or to appoint the Person who now is or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer, for the Purposes of this Act or the said recited Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of such Treasurer, or Clerk or any Person in the Service or Employ of any such Treasurer, shall act as Clerk in the Execution of this Act or the said recited Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or

Information, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed.

Inhabitants may lay Pipes to those of the Company after giving Notice.

VII. And be it further enacted, That such of the Inhabitants of the said Borough of *Portsmouth*, and the Liberties thereof, and the several Towns and Parishes of *Portsmouth* and *Portsea*, and Places adjacent, and also of the Shipping in or near the Harbour of *Portsmouth*, as shall be desirous of having Water from the said Waterworks conveyed into their Houses, Buildings, or other Premises, or Shipping, may and are hereby authorized and empowered, at their own Expence, (having given Six Days previous Notice in Writing of his or her Intention so to do, to the said Company of Proprietors, and with the Consent of the Owners of the Premises through which the Pipes shall be conveyed,) to open the Ground between the Company's Aqueducts or Main Pipes and the respective Houses, Buildings, or other Premises of such Inhabitants, or Harbour in case of Shipping, and to lay any Leaden or other Pipe or Pipes, of the Bore of Three Quarters of an Inch, or of a greater Bore if the said Company shall consent thereto, from such respective Houses, Buildings, or other Premises or Harbour, to communicate with the said Aqueducts or Main Pipes, such respective Inhabitants paying to the said Company of Proprietors the Rates herein-after mentioned; and in case of Default of Payment of any such Rate or Rates, or Sum or Sums of Money so to be paid, it shall be lawful for the said Company of Proprietors to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with the Aqueducts or Main Pipes belonging to the said Company of Proprietors, to be separated from the said Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the said Houses, Buildings, and other Premises, or Shipping, of every Person making such Default; and the Rate or Rates, Sum or Sums of Money, which shall be due and in arrear from such Person or Persons, to the said Company of Proprietors, shall and may be recovered by the said Company of Proprietors by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, whether in, upon, or about the same Houses, Buildings, or other Premises or Shipping, or elsewhere, in the same Manner as Rents reserved on common Demises may by Law be recovered: Provided always, that all and every Person and Persons who shall have laid any Leaden Pipe or other Pipe as aforesaid, shall be at liberty to remove and take away such Pipe and Pipes, and the Cock and Cocks to such Pipe or Pipes belonging.

Limiting the Rates to be paid for Water, &c.

VIII. Provided also, and be it further enacted, That the said Company of Proprietors shall be obliged, in the Manner before directed, to furnish such a sufficient Supply of Water, so far as their Means will allow, to every Inhabitant occupying a private Dwelling House, or Part of a Dwelling House, in any Square, Street, Close, or Lane within the said Borough of *Portsmouth* and the Liberties thereof, and the several Towns and Parishes of *Portsmouth* and *Portsea*, and Places adjacent, and also the Shipping frequenting the said Harbour of *Portsmouth*, where the Pipes of the said Company of Proprietors hereafter shall be laid, for the Use of his or her own Family, at the following Rate *per Annum*; (that is to say), where the annual Value of such

such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings; and where such annual Value shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds; and where such annual Value shall be above Forty Pounds and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings; and where such annual Value shall be above Sixty Pounds and not exceeding Eighty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such annual Value shall be above Eighty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings; and where such annual Value shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and in case of Shipping, at any Rate not exceeding Four Shillings or less than One Shilling *per* Ton for every Ton of Water which shall be so supplied to such Shipping: Provided that nothing herein contained shall be held to compel the said Company to supply any Water to or for the Use of any such Shipping, except during the usual Hours of the Day during which Water shall be supplied to the Inhabitants of any Dwelling House; but if any Water should be required by any such Shipping at any other Time, then at such Rate or Rates as shall be agreed upon by the said Company of Proprietors and the Owners of such Shipping: And provided further, that in case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his, her, or their own Family's Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purpose of any Trade or Business whatsoever, such Supply shall be furnished by the said Company of Proprietors, in such Cases, at such Rate or Rates as shall be settled by and between the said Company and such Persons respectively; and in case the said Company and such Persons respectively shall not agree as to the Amount of such last-mentioned Rate or Rates, then and in such Case it shall be lawful for any Two of His Majesty's Justices of the Peace acting for the said County of *Southampton* or for the Borough of *Portsmouth*, within their respective Jurisdictions, and not being Proprietors of any Share or Shares in the said Undertaking, and they are hereby authorized and required to settle the Amount of such last-mentioned Rate or Rates to be paid by such Persons respectively.

Justices to settle Disputes.

IX. Provided also, and be it further enacted, That it shall and may be lawful for any of His Majesty's Justices of the Peace for the County of *Southampton* or for the Borough of *Portsmouth*, in their respective Jurisdictions, not being Proprietors of any Share or Shares in the said Undertaking, or interested therein, and they are hereby authorized and required from Time to Time to hear, settle, and determine all Differences and Disputes which shall or may from Time to Time arise as to or concerning the Valuation of any of the Houses, Buildings, or other Hereditaments rated by virtue of this Act or the said recited Act, or as to the Amount of or any Inequality

Inequality in any Rate or Rates made in pursuance thereof, and to equalize and adjust such Rate or Rates as to such Justices shall seem fair and just.

Penalty for not supplying Water to Inhabitants.

X. And be it further enacted, That in case the said Company of Proprietors shall wilfully neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Square, Street, Close, or Lane where the Pipes of the said Company now are or hereafter shall be laid, with Water, for the Use of his or her own Family, or Shipping frequenting the said Harbour, or any such Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons, requiring a Supply of Water, at the Rate and in Manner aforesaid, such Rate having been ascertained as aforesaid, for the Space of Ten Days next after Demand in Writing shall have been made by such Inhabitant or other Person to the said Company for such Supply of Water, and Tender made of the Amount of the Rate for One Year for such Supply of Water as shall have been actually demanded, the said Company of Proprietors shall forfeit and pay to such Inhabitant or other Person Treble the Amount of the Rate or Rates so tendered (in case the said Company of Proprietors at the Time of such Demand and Tender being made can grant such Supply of Water without lessening the Supply to the other Tenants of the said Company, but not otherwise), to be levied and recovered, by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace acting for the said County of *Southampton* or the said Borough of *Portsmouth*, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and also the further Sum of One Pound for every Day the said Company of Proprietors shall continue to refuse or neglect to give such Supply, to be recovered as the before-mentioned Penalty is directed to be recovered.

Limiting the Amount of Profits to be received by the Proprietors.

XI. Provided always, and be it further enacted, That the clear Profits to be received by the Members of the said Company from the said Undertaking shall never exceed in the whole the Sum of One thousand five hundred Pounds *per Annum*; and in order to ascertain the Amount of the clear Profits of the said Undertaking, the said Company shall, and they are hereby required, upon the First *Wednesday* in the Month of *May* in every Year after the passing of this Act, or within Fourteen Days next after that Day, to cause a true and particular Account to be kept, and annually made up to the Twenty-fifth Day of *March* next preceding such Day, of the Money collected or received by them or for their Use during such Year, by virtue of this Act or the said recited Act, and of the Expenditure by and Charges upon the said Company during the same Year, including the annual Interest of any Sum or Sums of Money which may have been borrowed by Mortgage, under the Provisions of this Act or the said recited Act, and any Sum or Sums of Money whch may have been paid in the course of such Year in reduction of such Mortgage or any other Debt or Debts, and also Interest after the Rate of Five Pounds *per Centum per Annum* on the Amount of any Sum or Sums which have now or may hereafter be raised by Sale of Shares pursuant to this Act or the said recited Act; and if the clear

Profits of the said Undertaking, after deducting all such Expenditure and Charges, shall at any Time amount to a larger Sum of Money than shall be sufficient to make a Distribution of such Profits amongst the said Proprietors, to the Amount of One thousand five hundred Pounds *per Annum*, then and in such Case the Excess or Surplus which shall be more than sufficient for the Purposes aforesaid shall from Time to Time be placed out on such Government or other Security or Securities as the said Company shall for that Purpose order or direct, until such Excess or Surplus shall amount to the Sum of Five hundred Pounds; and any Interest or Dividends of such Sum or Sums so to be invested shall be applied in like Manner as the Monies to be received by or for the Use of the said Company, by virtue of this Act or the said recited Act, are to be paid and applied; and every such annual Account as aforesaid, together with an Account of all such Sums of Money as shall have been so placed out as aforesaid, and of the Dividends and Interest to be from Time to Time received thereon, shall be laid before some One or more Justice or Justices of the Peace acting for the said County of *Southampton* or Borough of *Portsmouth*, who shall not be a Proprietor of or interested in the said Undertaking, within Two Calendar Months next after the making up of such annual Account, to be made up to the said Twenty-fifth Day of *March* aforesaid; which said Justice or Justices shall have Power and Authority, if he or they shall deem it necessary, to require the said Company to produce the Books of Accounts of the said Company, and all their Valuations and Surveys, Rates and Assessments, for the Satisfaction of the said Justice or Justices; and the said Company are accordingly required, upon a Requisition in Writing for that Purpose, signed by such Justice or Justices, to produce such Books, Valuations, Surveys, Rates and Assessments, at such Time and Place as shall be mentioned in such Requisition; and if on the Inspection of any of the said Accounts it shall appear that the Sum or Sums so directed to be placed out as aforesaid, shall have amounted to the clear Sum of Five hundred Pounds, then and in every such Case the said Justice or Justices shall have full Power and Authority, and is and are hereby required, by Writing under his or their Hand or Hands, to order and direct the said Sum of Five hundred Pounds to be paid over to the said Company, to be by them applied for the general Purposes of the said Undertaking, in like Manner as other Monies to be received by them or for their Use, by virtue of this Act or the said recited Act, are to be paid and applied; and the said Justice or Justices is and are hereby in every such Case also required in like Manner to direct the Amount of the said Rates, by this Act or the said recited Act granted, to be reduced or abated, and the same shall accordingly be reduced or abated, for the next ensuing Year, to such Sum as shall, with the said Sum of Five hundred Pounds, appear sufficient to pay to the Members of the said Company a clear surplus Profit of One thousand five hundred Pounds, after deducting all the Costs, Charges, and Expences of carrying on and managing the said Undertaking, and all other Sums as aforesaid; and at the next annual Inspection or Examination of the said Accounts such Justice or Justices shall in like Manner again order and direct the said Rates to be raised or increased to such Sum as shall appear sufficient to

pay to the Members of the said Company a clear surplus Profit of One thousand five hundred Pounds, after deducting all the Costs, Charges, and Expences of carrying on and managing the said Undertaking, and all other Sums as aforesaid, during the next ensuing Year, and also to pay and make good any Deficiency which during the preceding Year shall have arisen or been occasioned by the clear Profits of the said Undertaking falling short of paying to the Members of the said Company One thousand five hundred Pounds, after deducting such Costs, Charges, and Expences as aforesaid; and if it shall afterwards appear, upon such annual Accounts, that the clear Profits of the said Undertaking, according to the Rates so fixed, shall not be sufficient to pay or produce to the said Proprietors the said Sum of One thousand five hundred Pounds *per Annum*, then the said Justice or Justices shall and is or are hereby authorized and required, so often as the same shall happen, to order the said Rates to be raised or increased, at the Discretion of the said Justice or Justices, so as to yield and produce to the said Proprietors thereafter the clear Sum of One thousand five hundred Pounds *per Annum*, and also to make good any Deficiency in the Profits of the preceding Year, but nevertheless such increased Rates shall not in any Event exceed the Rates by this Act or the said recited Act granted, or any of them.

Persons permitted to supply Water in certain Cases.

XII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person or Persons whomsoever supplied with Water by virtue of this Act or the said recited Act, to any Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks, belonging to any Person or Persons supplied with Water by virtue of this Act or the said recited Act, shall happen to be out of repair; such Pipe or Pipes, Cock or Cocks, nevertheless, to be repaired as soon as may be after any Damage shall happen thereto.

Requiring the Company to make Fire Plugs in every Street.

XIII. And be it further enacted, That the said Company shall and they are hereby required, upon the laying down any Main Pipe in any Street, Passage, or Place for supplying the same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs in each such Street, Passage, or Place, for the Supply of Water for the extinguishing of Fires; and when and so soon as any such Fire Plug shall be finished, the said Company shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each Place within the said Parishes where any Engine shall be kept for the extinguishing of Fires; and it shall not be lawful for the said Company to make any Rate or Charge whatever for any Water furnished or supplied for the Extinguishment of Fires, but the same shall from Time to Time be furnished and supplied by the said Company *gratis*.

Persons aggrieved may appeal to the Quarter Sessions.

XIV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Judgment made

made or given in pursuance of any Rule, Bye Law, or Order of the said Company or the Directors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Act, Matter, or Thing in this Act or the said recited Act contained, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or General Quarter Sessions of the Peace to be holden in and for the County or Borough in which the Cause of Appeal shall arise, first giving Fourteen Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons against whom such Appeal is intended to be made, or to the Clerk or Treasurer to the said Company, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County or Borough, in the Sum of Forty Pounds, with Two sufficient Sureties in the Sum of Twenty Pounds each, conditioned to try such Appeal and abide and perform the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Appeal at such General or General Quarter Sessions, or, if they think proper, adjourn the Hearing thereof; and the said Justices may, if they see Cause, mitigate any Penalty, 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 and Costs to be made to either Party injured, as they shall judge reasonable; but no Proceedings to be had or taken in pursuance of this Act or the said recited Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

What shall be good Service of Notices and Process upon the Company.

XV. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons, Party or Parties, to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings, upon the said Company, Service thereof respectively upon any One of the Directors of the said Company, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Power to apply to the Court of Chancery for a Sale.

XVI. And be it further enacted, That if it shall at any Time happen that any Half-yearly Interest upon any Mortgage or Mortgages of the said Undertaking, to be made by virtue of this Act, shall be in arrear and unpaid by the Space of Two Calendar Months after the same shall have become due and shall have been lawfully demanded, then and in such Case it shall and may be lawful to and for any Person or Persons, being entitled to any Principal Monies secured by any such Mortgage or Mortgages as last aforesaid, provided the Amount of

of Principal Monies to which he or they together shall be so entitled shall be equal to at least One Half of the total Amount of Principal Monies which shall be then due upon Mortgages of the said Undertaking to be made by virtue of this Act, or in case no such Mortgage as last aforesaid shall be then subsisting, if any Half-yearly Interest upon any Mortgage or Mortgages of the said Undertaking made by virtue of the said recited Act shall be in arrear and unpaid by the Space of Two Calendar Months next after the same shall have become due and shall have been lawfully demanded, then and in such Case it shall and may be lawful to and for any Person or Persons, being entitled to any Principal Monies secured by any such Mortgage or Mortgages, provided the Amount of Principal Monies to which he or they together shall be so entitled shall be equal to at least One Half of the total Amount of Principal Monies which shall be then due upon Mortgages of the said Undertaking, to apply to the Court of Chancery by Petition in a summary Way; and upon such Application the said Court shall and may (if it shall think fit and just) order and direct all Lands, Tenements, Works and Premises to the said Undertaking belonging or appertaining, and all Sums of Money and Profits arising or accruing, or to arise or accrue therefrom, and all other the Estate, Property, and Effects of the said Company of Proprietors, and the Inheritance thereof in Fee Simple, to be sold before One of the Masters of the said Court, for the most Money that may be had or gotten for the same, to any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof; and such Purchaser or Purchasers shall pay his or their Purchase Monies into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery; and the Certificate or Certificates of the said Accountant General of the Payment of any such Monies shall be a sufficient and effectual Release and Discharge, or sufficient and effectual Releases and Discharges, to such Purchaser or Purchasers, for so much of his or their Purchase Monies as in such Certificate or Certificates shall be expressed to be so paid in; and such Purchaser or Purchasers so paying in such Monies, and taking such Certificate or Certificates as aforesaid, shall not afterwards be obliged to see to the Application, nor be answerable or accountable for the Misapplication, Loss, or Nonapplication of the Monies which in such Certificate or Certificates shall be expressed to be so paid in as aforesaid; and the said Court shall and may order and direct the said Company of Proprietors, and all other proper and necessary Parties, to convey, or join and concur in conveying, all and singular the said Lands, Tenements, Works, and Premises so to be sold as aforesaid, free from all Incumbrances, unto the Purchaser or Purchasers thereof, and his or their Heirs, Executors, Administrators, and Assigns, or otherwise, as he or they shall direct or appoint; and the said Purchase Monies so to be paid into the Bank of *England* as aforesaid shall be applied, by and under the Direction of the said Court, so far as such Monies will extend, in manner following; (that is to say,) in the first Place in paying the Costs, Charges, and Expences of and incident to such Petition, Order, and Sale as aforesaid, and all such other Proceedings relating to the Matters aforesaid as are directed or authorized by this Act, or so much and such Part or Parts of the said Costs, Charges, and Expences as the said Court shall think

think fit to order and direct to be paid thereout; and then in Payment and Discharge, *pari passu*, of all Interest and Arrears of Interest (if any) which may then be due upon any Mortgage or Mortgages of the said Undertaking to be made by virtue of this Act; and then in Payment and Discharge, *pari passu*, of all Principal Monies (if any) which may then be due upon any such Mortgage or Mortgages as last aforesaid; and in the next Place in Payment and Discharge, *pari passu*, of all Interest and Arrears of Interest (if any) which may then be due upon any Mortgage or Mortgages of the said Undertaking made by virtue of the said recited Act, and upon any Judgment Debt or Judgment Debts which are now due and owing from the said Company of Proprietors, and which carry Interest; and then in Payment and Discharge, *pari passu*, of all Principal Monies (if any) which may then be due upon any such Mortgages and Judgments as last aforesaid; and in the next Place in Payment and Discharge, *pari passu*, of all other Debts and Sums of Money (if any) which shall or may be then due and owing from or by the said Company of Proprietors to any Person or Persons whomsoever; and if any Surplus of the said Purchase Monies shall remain after making the several Payments aforesaid, the same shall be paid and divided to and among the said Company of Proprietors, in proportion to the Amount of their respective Shares of and in the said Undertaking; and the said Court shall and may order and direct all proper and necessary Accounts for the Purposes aforesaid, or any of them, to be taken before the said Master; or otherwise the said Court shall and may make and give all such other Orders and Directions in and about the Premises as it shall think just and fit, under the Circumstances of the Case; and all Orders to be made by the said Court in and about the Premises, after such Sale shall have been so ordered and directed as aforesaid, shall and may be made on the Petition of any Party or Parties interested in obtaining such Order or Orders; and the said Court shall and may from Time to Time order and direct the Costs of and incident to such Petitions, Orders, and other Proceedings respectively, or any of them, to be paid and satisfied from and out of the said Purchase Monies, or any Part thereof, or in such Manner and by such Party or Parties as to the said Court shall seem meet: Provided always, that a Copy of every such Petition so to be presented as aforesaid, whether the same shall be for a Sale of the said Lands, Tenements, Works, and Premises, or for any such other Purpose as aforesaid, (unless presented by or on behalf of the said Company of Proprietors,) shall be served upon the said Company of Proprietors, or upon their Treasurer or Clerk, Three Days before the Day on which the same shall be appointed to be heard, exclusive of the Day appointed for such Hearing: Provided also, that it shall not be necessary (unless where the said Court shall order or direct otherwise) to serve any Copy or Notice of any such Petition upon any Mortgagee or Mortgagees of the said Undertaking, or upon any other Person or Party, unless such Petition shall seek to discharge, alter, vary, or affect any Order or Orders which shall have been previously made by the said Court, in which Case a Copy of such Petition shall be served upon the Party or Parties upon whose Petition or Petitions such previous Order or Orders was or were made, or upon his or their Executors, Administrators, or Assigns, Three Days at the least before the Day on which the same shall be

appointed to be heard, exclusive of the Days to be appointed for such Hearing.

Mortgagees not to be deemed necessary Parties to the Conveyance in case of Sale.

XVII. And be it further enacted, That if any Sale of the said Lands, Tenements, Works, Sums of Money, and Premises, shall be made in pursuance of this Act, by the Order and Direction of the Court of Chancery, it shall not be necessary that any Person or Persons entitled to any Mortgage or Mortgages of the said Undertaking should execute any Conveyance of the said Premises, or any Part thereof, or otherwise join or concur in conveying, assigning, or assuring the same, or any Part thereof, to the Purchaser or Purchasers thereof, for the Purpose of releasing or discharging the same from such Mortgage or Mortgages, or otherwise, for the Purpose of making a clear legal Title to such Purchaser or Purchasers; but that whether the Person or Persons entitled to such Mortgage or Mortgages shall or shall not execute the Conveyance of the same Premises, or otherwise join or concur in conveying, assigning, or assuring the same to the Purchaser or Purchasers thereof, such Purchaser or Purchasers paying his, her, or their Purchase Monies in the Manner herein-before directed, and obtaining a Conveyance of the said Premises under the Common Seal of the said Company of Proprietors, in conformity to and in compliance with the Order and Direction of the Court of Chancery for that Purpose, shall, and his, her, and their Executors, Administrators, and Assigns shall thenceforth have, hold, use, occupy, possess, and enjoy all and singular the same Premises and every Part thereof, according to the respective Natures and Qualities thereof, absolutely freed, acquitted, exonerated, and discharged of and from all and every the Assignments or Mortgages thereof made by virtue of the said recited Act and of this Act, or of either of them, and of and from all and every Sum and Sums of Money whatsoever, as well Principal as Interest, which now or at any Time or Times hereafter shall or may be secured by such Assignments or Mortgages or any of them, and of and from all Claim and Demand whatsoever, both at Law and in Equity, which any Person or Persons whomsoever now hath or have, or hereafter can, shall, or may have, or otherwise could, should, or might have had upon or against the said Company of Proprietors, or upon or against the said Undertaking, Lands, Tenements, Sums of Money and Premises, or any Part or Parts thereof, for or by reason or in respect or on account of such Assignments or Mortgages, or any of them, or any Sum or Sums of Money secured or to be secured thereby, or otherwise howsoever: Provided always, that nothing herein contained shall be construed to prevent or hinder the said Court of Chancery from ordering and directing (if it shall think fit so to do) any Person or Persons entitled to any Mortgage or Mortgages of the said Undertaking to join and concur in conveying and assuring the said Undertaking and Premises to the Purchaser or Purchasers thereof, in such Manner as to the said Court shall seem fit.

Application of Compensation Money whenamounting to 200*l.*

XVIII. And be it further enacted, That if any Money shall be contracted for, or agreed to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or on behalf of any Lunatics, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person

Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, for the Purchase of any Lands, Tenements, or Hereditaments, by virtue of the Powers of the said recited Act or of this Act, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Company of Proprietors of the *Portsea Island* Waterworks, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King *George* the Fourth, intituled *An Act for better securing the Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in 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 Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrances, 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 same Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used, as aforesaid, standing 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes 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, or Hereditaments, to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

Where less than 200*l.* and exceeding 20*l.*

XIX. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of

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 said Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner 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 the said Company (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 Dividend and Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Where less than 20*l.*

XX. Provided also, and be it further enacted, That where such Money shall be less than the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, in such Manner as the said Company shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, the Purchase Money to be paid into the Bank.

XXI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums so agreed for to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums

of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession at the Time of the Purchase shall be deemed entitled thereto.

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation, or Person or Persons, to any Money to be paid into the Bank of *England* in the Name and the Privity of the said Accountant General of the Court of Exchequer, in pursuance of this Act or the said recited Act, or 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 at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; 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 apparent 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.

Court may order reasonable Expences of Purchases to be paid by the Company.

XXIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act or the said recited 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 or the said recited 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 the said recited Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Penalty for conveying Washings of Gas into any River, Stream, &c.

XXIV. And be it further enacted, That if any Body Politic or Corporate, or any Contractor or Contractors, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of the said recited Act or of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey,

convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Thing whatsoever, which shall arise or be produced in or by the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Steam, Canal, Reservoir, Aqueduct, Feeder, Pond, Spring Head or Well, or into any Drain, Sewer, or Ditch communicating therewith, or to do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Spring Head, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then, and in each and every such Case, such Body Politic or Corporate, Contractor or Contractors, or other Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same shall be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, Canal or Reservoir, Aqueduct, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, and they or he shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Body Politic, Corporate, Contractor or Contractors, or Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any

any other Penalty or Forfeiture is in and by the said recited Act or by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by such Act so done or committed.

Stopping the Escape of Gas.

XXV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be placed, laid down, or set up by such Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons as aforesaid, then and in every such Case they or he shall, at their or his own Expence, immediately after receiving Notice by Parol or in Writing, to be left or given at their Office or usual Place of transacting their Business, from any Inhabitant or Resident within the Limits of this or the said recited Act, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from so escaping; and in case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, within Twenty-four Hours after such Notice by Parol or in Writing being given in manner as last aforesaid, of any such Escape of Gas, shall not effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the same Body Politic or Corporate, or Contractor or Contractors, or other Person or Persons, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice as aforesaid, during which the Gas shall be suffered to escape as aforesaid, which Penalty shall be from Time to Time recovered in a summary Way on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said Borough of *Portsmouth* or County of *Southampton*, in their respective Jurisdictions, as the Case may require, and shall and may be recovered with all reasonable Charges (which such Justice is hereby required to allow to the Complainant) by Distress and Sale of the Goods and Chattels of such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are by the said recited Act or this Act directed with regard to other Penalties.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

XXVI. And be it further enacted, That all and every the Pipes and other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Highway, Passage, or public Place within the Limits of this or the said recited Act, shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof, at the Distance of Four Feet at least, as well from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by or by the Order of the Company of Proprietors for the Time being of the *Portsea Island* Waterworks, for the Conveyance of Water in, under, through, along, across,

across, or round any of the said Streets, Lanes, Highways, Passages, or public Places, except where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall be laid over and above such Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and that in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least, and that in laying down the said Gas Pipes the Body Politic or Corporate, Contractor or Contractors, Person or Persons, to whom the same shall belong, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and also make and keep all and every such Pipes, and all Pipes communicating or connecting therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon pain of forfeiting for every contrary Offence the Sum of Five Pounds, to be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage, by any such Act so done or committed.

To prevent the Escape of Gas, and Contamination of Water, &c.

XXVII. And be it further enacted, That whenever the Water of the said Company of Proprietors shall be contaminated or affected by the Gas of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying Gas as aforesaid, such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons so offending, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Company of Proprietors affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, that then and in every such Case the Body Politic or Corporate, Contractor or Contractors, or any Person and Persons making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Manager or chief Clerk for the Time being of the said Company, to be left at the usual Office or Place of transacting Business of the Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, shall not, within Twenty-four Hours after each and every such Notice so left as last aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then and in every such Case the said

Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, furnishing, or supplying such Gas, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being of the Company of Proprietors so affected, for the Use and Benefit of the same Proprietors, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Shillings for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty and Penalties shall and may be recovered by Information to be exhibited on the Oath or Affirmation of One credible Witness, by and in the Name of the Treasurer of the same Company, before any Justice of the Peace for the Borough of *Portsmouth* or County of *Southampton*, (as the Case may be,) with Costs to be assessed by such Justice, and to be levied and recovered as any other Penalty is by the said Act or by this Act directed to be levied and recovered; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer for the Time being of such Company of Proprietors.

For ascertaining if the Water is contaminated.

XXVIII. And whereas it may be or become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company of Proprietors to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons making, supplying, or furnishing Gas, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, whose Mains, Pipes, Conduits, and Apparatus, or any of them, are so dug to and examined; and if it shall appear that the said Water has been contaminated by any Escape of such last-mentioned Gas, the Costs and Expences of the said Digging, Search, Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said last-mentioned Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of the said recited Act or by this Act: Provided always, that if upon Examination it shall appear that such Contamination had not arisen from the Escape of Gas from any of the Mains, Pipes, or Conduits so dug to or examined as aforesaid, then and in such Case the said Company of Proprietors shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the same Body Politic or Corporate, Contractor or Contractors, or Person or Persons, whose Mains, Pipes, Conduits, or Apparatus, or any of them, are so dug to, searched, and examined, all Loss, Injury, or Damage which may be thereby occasioned to them in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination; the Amount of such respective Loss, Injury, or Damage to be ascertained and determined by such Justice or Justices as aforesaid.

XXIX. Pro-

Saving Rights of the Corporation of the Borough of Portsmouth.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, or to take away, lessen, or abate any Power, Right, Privilege, Immunity, Jurisdiction, or Authority, granted or belonging to or enjoyed or legally claimed by the Mayor, Aldermen, and Burgesses of the said Borough of *Portsmouth* in the County of *Southampton*, or by any Officer or Officers of or belonging to the said Corporate Body, all and every for the Time being, except only in such Cases as are specially mentioned and contained in this Act or the said recited Act.

Public Act.

XXX. 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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