ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 118.

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*. [27th *May* 1809.]

WHEREAS the Inhabitants of the Borough of *Portſmouth* and the Liberties thereof, and of the ſeveral Towns and Pariſhes of *Portſmouth* and *Portſea*, in the Iſland of *Portſea*, in the County of *Southampton*, have not a ſufficient Supply of good and wholeſome Water; and as the ſaid Town and Pariſhes are become very populous, and the Number of Houſes and Buildings within the ſame have of late Years greatly increaſed, the Inhabitants thereof may, in caſe of Accidents by Fire, be expoſed to the moſt calamitous Loſſes and Inconveniencies: And whereas the making effectual Proviſions for furniſhing a regular and ample Supply of Water would not only be of eſſential Service, by the better ſecuring them againſt the Dangers aforeſaid, but greatly contribute to the Health, Comfort, and Convenience of the ſaid Inhabitants, and be the certain Means of ſupplying the Shipping reſorting to the Port of *Portſmouth* with Water: And whereas the erecting and making of Waterworks, Aqueducts, and Reſervoirs, in a certain Field called *The White Swan Field*, within the Borough of *Portſmouth*, and the laying of main or leading Pipes from ſuch Waterworks, Aqueducts, and Reſervoirs, into the Town of *Portſmouth*, by the neareſt practicable and convenient Courſe through the High Road, and certain Lands of His Majeſty, and into the Town of *Portſea*, by the neareſt practicable and convenient Courſe acroſs the ſaid High Road, and through the Lands of His Majeſty, and certain Parts or Places of or in the Fortifications of the ſaid Towns reſpectively, would

tend to promote the beneficial Purposes before mentioned: And whereas the several Persons herein-after named are willing and desirous, at their own Expence, to erect and make certain Waterworks, and other Works, requisite and necessary for the Purposes aforesaid; but, as the same cannot be effected without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Elias Bruce*, *Arnaud Henry Atwood*, *Sarah Archer*, *Elias Arnaud*, *Herbert Allen*, *Ann Allen*, *Arthur Atherley*, *Thomas Belam*, the Reverend *John Garrett Bussell*, the Reverend *William Marchant Bussell*, *Thomas Bonham*, *William Bartlett*, *William Baker*, *William Bacchus*, *Nathaniel Baker*, *William Baker* Junior, *John Busher*, *William Brown*, *John Binstead*, *Charles Barton*, *Richard Burbey*, *Richard Burbey* Junior, *John Bell*, *Edward Brine*, *William Burridge*, *Thomas Boyes*, *William Grover Carter*, *Edward Casher*, *Joseph Clarke*, *Andrew Clarke*, *John Collins*, *James Carter*, the Reverend *George Cuthbert*, *Joseph Cave*, *Joseph Cave* Junior, *John Cousins*, *Roger Callaway*, *George Augustus Callaway*, *William Clay*, *James Clay*, *Joseph Corsbie*, *John Draper* Senior, *William Deacon*, *James Deacon*, *Sarah Deacon*, *John Draper* Junior, *Thomas Edgecombe*, *Thomas Elland*, *Thomas Charles Flaxman*, *Sarah Fielding*, *George Fielding*, *Henry Fry*, *Henry Fauntleroy*, *James Fowler*, *John Godwin*, *William Goldson*, *James Goodeve*, *George Trenchard Goodenough*, *William Grossmith*, *William Goldfinch*, *William Gain* Junior, *William Garrett*, *George Garrett*, *William Grant*, *George Grant*, *William Gibbins*, *Thomas Grant*, *Edward Gittens*, *Edward Goodeve*, *Robert Grey*, *William Hadder*, *James Horsey*, *Samuel Hill*, *John Holland* Junior, *William Harris*, *Stephen Hawkins*, *Edward Hunt*, *Moses Heather*, *Benjamin Hinton*, *Charles John Hector*, *Daniel Howard*, *Thomas Heather*, *James Hollingsworth*, *William Hammond*, *John Allen Hickley*, *Matthew Heath*, *Elizabeth Hollingsworth*, *James Innes*, *Andrew Lindegren*, *John Lindegren*, *John Lind*, *John Smith Leese*, *Kentpster Lipscomb*, *Kenipster Lipscomb* Junior, *Jacob Levi*, *Trevers Hull Lathem*, *James Lenaker*, *Thomas Mottley*, *Thomas Andrew Minchin*, *William Matthews*, *Thomas Mariner*, *John Moyle*, *James Moors*, *Thomas Meik*, *Thomas Turner Merritt*, *Samuel Mills*, *Abraham Moses*, *William Marsh*, *James Charles Mottley*, *George Neal*, *Philip Nathan*, *Jacob Owen*, *John Owen*, *Alexander Oswald*, *Thomas Pafford*, *James Pinhorn*, *Thomas Pratt*, *Alexander Poulden*, *William Padwick*, *Hester Palmer*, *Ann Palmer*, *William Frye*, *Joseph Pushman*, *Edward Parke*, *William Pye* Junior, *Robert Thomas Pye*, *John Read*, *Mark Robinson*, *William Price Read*, *Robert Rood*, *John Rood*, *Thomas Roote*, *James Rands*, *Thomas Burley Rouse*, *James Read*, *James Richards*, *James Newton Robinson*, *Thomas Sheppard*, *Thomas Sharp*, *Thomas Thresher Sharp*, *Francis Sharp*, *Robert Stroud*, *William Stroud*, *John Sutton Shugar*, *George Stebbing*, *John Mortimer Stephens*, *William Shepheard*, *Thomas Seeds*, *John Smith*, *William Serjeant*, *Robert Smith*, *John Henry Stewart*, *John Snook*, *John Snook* Junior, *Matthew Snook*, *Joseph Smithers*, *John Smithers*, *Laurence Smith*, *Ruth Stevens*, the Honourable *Montgomerie Stewart*, *Robert Stokes Sloper*, *Josias Henry Stracey*, *Gregory Tomkins*, *William Turner*, *Joseph Kelner Turner*, *George Turner*, *Edward Tollervey*, *Richard Godman Temple*, *Charles Taber*, *Charles Taber* Junior, *Henry White*, *Richard White*, *Thomas Wills*, *Thomas Walcot*, *John Williams*, *William Woodward*, *William Parry Wallis*, *John Williams*, *Thomas Whitwood* Junior, *John Westmore*, *William Whitebread*, *George Welch*,

Proprietors Names.

Welch, John Withers, Levi Zachariah, Lewis Lazarus Jacob Zacharlah, together with ſuch other Perſon or Perſons, Bodies Politic, Corporate, and Collegiate, as now are or at any Time or Times hereafter ſhall be or become a Proprietor or Proprietors of One or more Share or Shares in the ſaid Undertaking to be executed by this Act, ſhall be and they are hereby united into a Company for the making, completing, and maintaining the ſaid Waterworks, Aqueducts, Reſervoirs, and other Works neceſſary for the Purpoſes of this Act hereby authoriſed to be made, according to the Rules, Orders, and Directions herein-after expreſſed, and ſhall for that Purpoſe be one Body Politic and Corporate, by the Name of "The "Company of Proprietors of the *Portſea* Iſland Waterworks;" and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall or may ſue and be ſued, and ſhall alſo have full Power to purchaſe Lands, Tenements, or Hereditaments, to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, without incurring any of the Penalties or Forfeitures by the Statutes of Mortmain. Incorporated.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors to raiſe and contribute among themſelves, in ſuch Proportions as they ſhall think proper, any Sum or Sums of Money, not exceeding in the Whole the Sum of Forty Thouſand Pounds (except as herein-after mentioned) which ſaid Sum of Money ſhall be laid out and applied, in the firſt Place, in diſcharging the Expences of obtaining and paſſing this Act, of the Surveys, Plans, and Eſtimates, and other incidental Expences relating thereto, and then for and towards the making, completing, and maintaining the ſaid Reſervoirs and Aqueducts, and other requiſite Works and Conveniencies thereto, and for otherwiſe carrying the ſeveral Purpoſes of this Act into Execution, and the ſaid Sum of Forty Thouſand Pounds ſhall be divided into Shares of Fifty Pounds each, and ſuch Shares ſhall be, and the ſame are hereby veſted in the ſeveral Perſons, and Bodies Politic, Corporate, or Collegiate, ſo ſubſcribing and contributing to the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, and to their and every of their proper Uſe and Benefit, proportionally to the Sums they ſhall ſeverally ſubſcribe and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Perſons whoſoever, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, or ſuch Sum or Sums of Money as ſhall be called for and demanded by virtue of this Act, for carrying on and completing the ſaid Undertaking, ſhall be entitled to and receive the entire and net Diſtribution of an equal proportionable Part according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sums of Money to be raiſed, recovered, or received by the ſaid Company of Proprietors, by the Authority of this Act; and every Body Corporate and Collegiate, and Perſon having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſame in Manner herein directed. The Company may raiſe among themſelves a Sum of Money not exceeding 40,000 *l.*

III. And be it further enacted, That all and every the Shares of and in the ſaid Undertaking, or the Joint Stock or Funds of the ſaid Company of Proprietors, ſhall be and be deemed and taken to be Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property. Shares to be Perſonal Eſtate.

IV. And

Directing how Subscribers of Shares shall vote.

IV. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for any Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, and Administrators, shall have a Vote for every such Share or Shares, but not exceeding Ten Votes in the Whole although possessed of more than Ten Shares, which Vote or Votes may be given by them, him, or her in Person, or by their, his, or her Proxies or Proxy constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand of the Proprietor constituting the said Proxy, every Person to whom any such Proxy shall be given being a Proprietor in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special General Assembly of the said Company of Proprietors, or any Adjournment thereof, shall be determined by the Majority of Votes and Proxies then present in the Proportion before mentioned, provided that the Members present be possessed of not less than Fifty Shares; provided nevertheless, that no Person shall give or deliver in or vote in respect of Proxies for more than Ten Shares; and the Appointment of such Proxy may be made according to the Form following; (that is to say),

Form of Proxy.

'I *A. B.* of One of the Proprietors of "The "*Portsea* Island Waterworks," do hereby nominate, constitute, and 'appoint *C. D.* of to be my Proxy, in my Name 'and in my Absence to vote or give my Assent or Dissent to any Business, 'Matter, or Thing relating to the said Undertaking, in such Manner as 'the said *C. D.* shall think proper, according to his Opinion and Judge'ment, for the Benefit of the said Undertaking, or any Thing appertaining 'thereto. In witness whereof I set my Hand [*or*, Seal] the 'Day of .'

Proprietors not entitled to vote unless possessed of their Shares Two Calendar Months.

V. Provided always, and be it further enacted, That from and after the First Day of *September* next ensuing, no Proprietor shall be deemed qualified to vote by himself, or by Proxy, at any General or Special General Assembly of Proprietors, to be held by virtue hereof, who shall not have been possessed of the Share or Shares in respect of which he or she claims to vote, and have been entered in the Books of the said Company as the Possessor and Proprietor of such Share or Shares for the Space of Two Calendar Months before such Meeting, unless the same shall have come to him, her, or them by Death or Marriage; and that if any Person or Persons shall attempt to vote by himself or herself, or by Proxy, at any General or Special General Assembly at the Time of holding which he, she, or they shall not have been possessed of such Stock, or the same shall not have been so entered for the said Two Calendar Months, he, she, or they shall for every such Offence forfeit the said Share or Shares to the Use of the said Company, unless such Share or Shares shall have come by Death or Marriage as aforesaid: Provided also, that no Proprietor shall be entitled to vote for any Share or Shares, either by himself or his Proxy, unless he or she shall be possessed of the same *bonâ fide* in his or her own Right, and not in the Right of any other Person whomsoever, upon the Pain of forfeiting the Amount of the said Share or Shares to the Use of the said Company: Provided nevertheless, that nothing in this Clause contained shall extend or be construed to extend to prevent or disqualify any Executor

No Person not entitled in his own Right to vote, except Executors, &c.

or Administrator, or Devisee in Trust, who as such shall become possessed or entitled to any Share or Shares in the said Undertaking, from voting in Right thereof at any General or Special Meeting, either by himself, or herself, or by Proxy.

Power to raise among themselves a further Sum if necessary;

VI. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing and maintaining of the said Reservoirs and Aqueducts, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet; or to raise by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Twenty thousand Pounds; and every Body Politic, Corporate, or Collegiate, and every Person being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself, in respect of every Fifty Pounds of the said additional Sum to be raised (but not exceeding Ten Votes in the Whole) and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Undertaking, in Proportion to the Sum they, he, or she shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had been Part of the original Capital raised or subscribed; any Thing herein contained to the contrary thereof in anywise notwithstanding.

or by Mortgage.

VII. Provided always, and be it enacted, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Twenty 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 Twenty 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 by virtue of this Act, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Sums of Money, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons 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, in the Form or to the Effect following; that is to say,

Form of Mortgage.

'BY virtue of an Act made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, "An Act [*here insert the Title of this Act*] We the Company of Proprietors of the said Undertaking, incorporated by and under the said Act, 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 all our Estate, Right, Title, and Interest of, in, and to the same, 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 .'

And all Persons to whom such Assignments shall be made shall be equally entitled, one with the other, to their Proportion of the said Sums and Premises, according to the respective Sums in such Assignments respectively mentioned to be advanced, without any Preference by reason of the Priority of any such Assignment, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall, within Thirty Days from the Date of every such Assignment, be entered in one or more Book or Books to be kept by the Clerk to the said Company, and shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Person interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein, to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, which Transfer shall and may be in the Form or to the following Effect; that is to say,

Which Mortgage may be transferred.

Form of Transfer.

'I *A. B.* of in Consideration of the Sum of
' paid by *C. D.* of do hereby
' transfer a certain Mortgage made by the Company of Proprietors of
' "The *Portsea* Island Waterworks," to bearing Date
' the Day of for securing the Sum
' of and all Interest now due and to become due
' thereon, and all my Right and Property therein, to the said *C. D.* his
' Executors, Administrators, and Assigns. Dated this Day
' of in the Year of our Lord .'

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

Interest to be paid Half-yearly.

VIII. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any Yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

IX. Provided

IX. Provided always, That no Perſon to whom any ſuch Mortgage or Aſſignment ſhall be made or transferred as aforeſaid, ſhall be deemed a Proprietor of any Share, or be capable of acting or voting by virtue of ſuch Mortgage or Aſſignment at any Aſſembly or Meeting of the ſaid Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any ſuch Aſſignment. Mortgagees not to be conſidered as Proprietors of Shares.

X. Provided always, and be it enacted, That no Sum or Sums of Money, ſo lent and advanced on Mortgage, ſhall be paid off and diſcharged (ſave and except with the Conſent of the Perſon or Perſons ſo lending and advancing ſuch Sum or Sums of Money) or of his, her, or their Aſſignee or Aſſignees, unleſs Six Calendar Months previous Notice under the Common Seal of the ſaid Company of Proprietors ſhall have been given to the Perſon or Perſons lending and advancing ſuch Sum or Sums of Money, or to his, her, or their Aſſignee or Aſſignees, or left at his, her, or their laſt or uſual Place or Places of Abode, of the Intention to pay off and diſcharge the ſame. Notice to be given of paying off Money.

XI. Provided always, and be it enacted, That nothing herein contained ſhall extend to charge or make liable any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or ſhall be Proprietor or Proprietors of the Stock of the ſaid Company, or Contributor or Contributors thereto, or his, her, or their Real or Perſonal Eſtate, with any Debt or Demand, or Sum of Money whatever due or to become due from the ſaid Company, or to be charged or chargeable thereon beyond the Extent of his, her, or their Capital Stock, or Share or Shares in the Stock of the ſaid Company; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding. No Perſon anſwerable for more than their reſpective Stock.

XII. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Proprietors of the ſaid Undertaking, his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to ſell and diſpoſe of any Share or Shares to which he, ſhe, or they may be entitled therein, ſubject to the Rules and Conditions herein mentioned; the Conveyance of which Shares ſhall be in the Form or to the Effect following; *videlicet*, Shares may be ſold.

'I *A. B.* in Conſideration of paid to me by
'I *C. D.* of do hereby bargain, ſell, aſſign,
'and transfer to the ſaid *C. D.* the Sum of Capital
'Stock of and in "The *Portſea* Iſland Waterworks," being my Share
'[*or*, Part, *or*, the Whole, *as the Caſe may be*] of my Shares in the ſaid
'Undertaking, to hold to the ſaid *C. D.* his Executors, Adminiſtrators,
'and Aſſigns, ſubject to the ſame Rules, Orders, and Reſtrictions, and
'on the ſame Conditions that I held the ſame immediately before the Ex-
'ecution hereof. And I the ſaid *C. D.* do hereby agree to take and accept
'the ſaid Capital Stock or Share, ſubject to the ſame Rules, Orders,
'Reſtrictions, and Conditions. As witneſs our Hands and Seals, the
' Day of .'

And on every ſuch Sale the ſaid Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Shares) ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk to the ſaid Company of Proprietors ſhall have entered in a proper Book or Books to be kept for that Purpoſe, a

Memorial of ſuch Transfer and Sale for the Uſe of the ſaid Company, and ſhall have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which the Sum of Two Shillings and Six-pence, and no more, ſhall be paid to the ſaid Clerk, and the ſaid Clerk is hereby required to make ſuch Entry or Memorial accordingly; and until ſuch Memorial ſhall have been made and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Undertaking, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, or any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Undertaking, but upon ſuch Entry being made ſuch Purchaſer ſhall become entitled to all the Rights, Privileges, and Advantages of a Proprietor in the ſaid Undertaking.

No Share ſhall be ſold after a Call till the Money is paid.

XIII. And be it further enacted, That after any Call of any Part of the Money ſubſcribed for ſhall have been made by the Directors appointed by virtue of this Act, in Manner by this Act directed, no Perſon or Perſons ſhall ſell or transfer any Share or Shares which he, ſhe, or they ſhall poſſeſs in the ſaid Undertaking, on pain of forfeiting his, her, or their reſpective Share or Shares therein to the ſaid Company of Proprietors, in Truſt for the Benefit of the ſaid Company of Proprietors, unleſs he, ſhe, or they, at the Time of ſuch Sale or Transfer ſhall have paid and diſcharged to the Treaſurer of the ſaid Company of Proprietors the Whole and entire Sum of Money which ſhall have been called for upon each Share ſo ſold or transferred, ſuch Forfeiture nevertheleſs to be notified and declared at a General or Special General Aſſembly of the ſaid Company, in Manner by this Act directed.

For aſcertaining the Proprietorſhip of Shares in certain Caſes.

XIV. And whereas in Caſes where the original Subſcriber or Subſcribers of one or more Share or Shares in the ſaid Undertaking ſhall die, become inſolvent, or Bankrupt, or go out of the Kingdom, or ſhall transfer his, her, or their Right and Intereſt to ſome other Perſon or Perſons, and no Regiſter ſhall be made of the Transfer thereof with the ſaid Clerk, as directed by this Act, it may not be in the Power of the ſaid Company of Proprietors, or their Treaſurer or Clerk, to know who is or are the Owner or Owners, Proprietor or Proprietors of ſuch Share or Shares, in order to give him, her, or them Notice or Notices of Calls made on ſuch Share or Shares as is hereby required, and to maintain any Action or Actions againſt him, her, or them for the Recovery of the ſame, or for the Purpoſe of ſafely paying to him, her, or them the Intereſt or Dividends to which he, ſhe, or they may be entitled by virtue thereof; be it therefore enacted, That in all Caſes where the Right and Property in one or more Share or Shares in the ſaid Undertaking ſhall paſs from the original Proprietor thereof to any other Perſon or Perſons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit ſhall be made and ſworn to by Two credible Perſons before a Maſter or Maſter Extraordinary in Chancery, or before One of His Majeſty's Juſtices of the Peace (one of the Perſons making which Affidavit ſhall be the Party claiming ſuch Share or Shares) ſtating the Manner in which ſuch Share or Shares hath or have paſſed to ſuch other Perſon or Perſons, and ſuch Affidavit ſhall be tranſmitted to the Clerk to the ſaid Company of Proprietors, to the Intent that he may, and he is hereby required to enter and regiſter the Name or Names of every ſuch new Proprietor or Proprietors in the Regiſter Book or Liſt of Proprietors in the ſaid Undertaking, to be kept in the Office of the ſaid Clerk;

Clerk; and that in all or any of the ſaid Caſes it ſhall be lawful for the ſaid Company of Proprietors at any General Meeting after Three Months Notice ſhall have been given by the ſaid Treaſurer or Clerk to the Proprietor or Proprietors, Perſon or Perſons claiming by ſuch Affidavit to be Proprietor or Proprietors thereof, or left at his, her, or their laſt Place or Places of Abode, in caſe ſuch Perſon or Perſons ſhall not have paid his, her, or their Proportion of the Money becoming due and payable by virtue of any Call or Calls as aforeſaid, and after Notice thereof ſhall have been given Three Times, at Intervals of Fourteen Days between each Advertiſement in the ſeveral Newſpapers printed within the ſaid Iſland, if there ſhall be any ſuch, and in Two *London* Publick Newſpapers, to declare at any General Aſſembly or Special General Aſſembly the ſame Share or Shares to be forfeited; and in ſuch Caſe the ſame ſhall be and become forfeited and ſold, and diſpoſed of in ſuch Manner as the ſaid Company of Proprietors ſhall direct, or otherwiſe become conſolidated in the General Fund of the ſaid Company.

Names of Proprietors and Number of their Shares to be entered in a Book.

XV. And for the better Security of the ſeveral Proprietors of the ſaid Undertaking, as to their reſpective Shares therein; be it further enacted, That the ſaid Company of Proprietors ſhall and they are hereby required to cauſe the Names and proper Additions of the ſeveral Perſons who ſhall be entitled to the Shares in the ſaid Undertaking with the Number of the Shares which they are reſpectively entitled to hold, and alſo the proper Number by which every Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book or Books to be kept by the Clerk or Clerks to the ſaid Company of Proprietors; and after ſuch Entry made, the ſaid Company of Proprietors ſhall cauſe a Certificate or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the ſaid Clerk Two Shillings and Sixpence, and no more, for every ſuch Certificate or Inſtrument; and every ſuch Certificate or Inſtrument ſhall be admitted in all Courts whatſoever as Evidence of the original Title of ſuch Subſcriber, his or her Executors or Adminiſtrators, to the Share or Shares therein ſpecified, but the Want of ſuch Certificate or Inſtrument ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof; and in caſe any ſuch Certificate or Inſtrument ſhall become defaced, worn out, or damaged, or ſhall have been loſt or deſtroyed, then and in every ſuch Caſe another Certificate or Inſtrument ſhall be made out and entered by the ſaid Clerk, on the ſame Terms and Conditions as aforeſaid.

First and other General Aſſemblies.

XVI. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors for putting this Act into Execution, ſhall be holden at the *Crown Inn* in the Town of *Portſmouth*, upon the *Wedneſday* Sevennight after the paſſing of this Act, or as ſoon after as conveniently may be, at the Hour of Eleven in the Forenoon; and all future General Aſſemblies of the ſaid Company (except ſuch Special General Aſſemblies as herein-after mentioned) ſhall be holden on the Firſt *Wedneſday* in the Months of *November* and *May* in every Year, at the Hour of Eleven in the Forenoon, at ſuch Place or Places within the ſaid Borough or its Liberties, as the Company of Proprietors at their preceding General Aſſemblies ſhall from Time to Time direct and appoint, of which future

General Aſſemblies Ten Days previous Notice at leaſt ſhall be given by Public Advertiſement to be inſerted in the ſeveral Newſpapers printed within the ſaid Iſland of *Portſea*, if there ſhall be any ſuch, and in ſome *London* Public Newſpapers, or in ſuch other Manner as the ſaid Company of Proprietors at their reſpective General Aſſemblies ſhall direct; and at ſuch General Aſſemblies it ſhall be the Duty of the Directors of the ſaid Company to report to the Proprietors at large the State of the ſaid Undertaking, and their Proceedings in carrying this Act into Execution, which Report ſhall be fairly entered in the Books of the Corporation by the Clerk, and a Copy of the ſame be left at their Head Office for the Peruſal of the Proprietors, who ſhall have Acceſs thereto during ſuch Hours as the ſaid Office ſhall be uſually open.

Directors, how to be appointed.

XVII. And be it further enacted, That the ſaid Company of Proprietors ſhall at their Firſt General Aſſembly, or at any Adjournment of the ſame, nominate and appoint, by Ballot or otherwiſe, out of the ſaid Company of Proprietors, Twenty-four Perſons for the Purpoſe herein-after expreſſed, the ſaid Twenty-four Perſons to be reſpectively reſident and appointed as follows; (that is to ſay), Sixteen of ſuch Perſons ſhall be reſident in the ſaid Iſland of *Portſea*, and ſhall be ballotted for or choſen and appointed by ſuch of the Members of the ſaid Company of Proprietors preſent at ſuch General Aſſembly, or Adjournment thereof, as ſhall be reſident in the ſaid Iſland; and if none of the Members of the ſaid Company of Proprietors preſent at ſuch General Aſſembly or Adjournment ſhall be reſident in the ſaid Iſland, then the ſaid Sixteen Perſons (being ſo reſident as aforeſaid) ſhall be ballotted for or choſen and appointed by ſuch of the Members of the ſaid Company of Proprietors as ſhall be then preſent, indiſcriminately, and the remaining Eight of the Perſons to be appointed as aforeſaid ſhall be reſident in *London*, or within Ten Miles therefrom, and ſhall be ballotted for or choſen and appointed by ſuch of the Members of the ſaid Company of Proprietors preſent at ſuch General Aſſembly or Adjournment thereof, as ſhall be reſident in *London*, or within Ten Miles therefrom; and if none of the ſaid Company of Proprietors preſent at ſuch General Aſſembly or Adjournment of the ſame ſhall be reſident in *London*, or within Ten Miles therefrom, then the ſaid remaining Eight Perſons (being ſo reſident as laſt aforeſaid) ſhall be ballotted for or choſen and appointed by ſuch of the Members of the ſaid Company of Proprietors as ſhall be then preſent indiſcriminately, the ſaid Twenty-four Perſons, to be ballotted for or choſen and appointed as aforeſaid, to be and continue Directors for conducting the ſaid Buſineſs of the ſaid Undertaking until the reſpective Times herein-after appointed or to be appointed, purſuant to the Proviſions of this Act, for their reſpectively going out of Office; but no Perſon ſhall be qualified to be choſen or to act as ſuch Director, unleſs he ſhall hold and be poſſeſſed of Three Shares at the leaſt in the ſaid Undertaking: Provided always, that no Perſon holding any Place, Office, Employment, or Contract under the ſaid Company, ſhall be capable of being choſen or acting as a Director, during the Time of his Continuance in ſuch Place, Office, or Employment, or in holding ſuch Contract.

Chairman to be appointed.

XVIII. And be it further enacted, That the ſaid Company of Proprietors, at their General and Special General Aſſemblies, ſhall and may appoint

point a Chairman, and such Chairman shall not only vote as a Proprietor, but in case of an Equality of Votes, shall have the decisive or casting Vote.

Subsequent Appointment of Directors (by the Proprietors) in the Room of those going out of Office by Rotation.

XIX. Provided always, and be it further enacted, That on the First *Wednesday* in the Month of *May* next after the Nomination and Appointment of the said Twenty-four Directors, Eight of the said Directors shall go out of Office, and cease to be Directors of the said Company; and in order to determine which Eight of the said Directors shall go out of Office as aforesaid, the Clerk of the said Company officiating at the General Assembly of the said Company to be holden on that Day (or some Adjournment thereof) shall and he is hereby required, at such Assembly or Adjournment, to write upon each of Twenty-four distinct Pieces of Paper of equal Size, the Name of one of the said Directors, and no Two of the said Pieces of Paper to have the Name of the same Director written thereupon; and all such Papers shall be rolled up in the same Form, as near as may be, and put into a Box or Wheel, which Box or Wheel shall afterwards be shaken or turned several Times by such Clerk, and Eight of such Papers shall then be drawn out of such Box or Wheel by such Clerk, one by one, and the Eight Directors whose Names shall be upon such Papers respectively so drawn out, shall go out of Office and cease to be Directors of the said Company, and so many of the Members of the said Company of Proprietors present at such last-mentioned General Assembly or Adjournment as shall be resident in the said Island of *Portsea*, and if none of the Members of the said Company of Proprietors then present shall be resident in the said Island, then all the Members of the said Company then present indiscriminately shall ballot for or choose and appoint in the Room or Stead of each and every Director going out of Office as aforesaid, who at the Time of his Appointment shall have been resident in the said Island, a Member of the said Company of Proprietors resident in the said Island, and qualified as aforesaid, to be a Director of the said Company; and so many of the Members of the said Company of Proprietors present at such last-mentioned General Assembly or Adjournment, as shall be resident in *London*, or within Ten Miles therefrom, and if none of the Members of the said Company of Proprietors then present shall be resident as last aforesaid, then all the Members of the said Company then present, indiscriminately, shall ballot for or choose and appoint in the Room or Stead of each and every Director going out of Office as aforesaid, who at the Time of his Appointment shall have been resident in *London*, or within Ten Miles therefrom, a Member of the said Company resident as last aforesaid, and qualified as aforesaid, to be a Director of the said Company; and the Eight Persons to be appointed at such last-mentioned General Assembly or Adjournment shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed) and no longer; and on the First *Wednesday* in the then next succeeding Month of *May*, Eight more of the Persons first nominated and appointed by virtue of this Act as Directors, shall go out of Office, and cease to be Directors of the said Company; and in order to determine who of such Sixteen Directors shall go out of Office and cease to be Directors of the said Company, the Clerk of the said Company, at the General Assembly of the said Company to be holden on that Day (or at some Adjournment thereof) shall write upon each of Sixteen distinct Pieces of Paper of an equal Size, the Name of one of such Sixteen Directors, and no Two of the said last-mentioned Pieces of Paper to have the Name of the same Director written thereupon, and all such Papers

ſhall be rolled up in the ſame Form, as near as may be, and put into a Box or Wheel by ſuch Clerk, which Box or Wheel ſhall afterwards be ſhaken or turned ſeveral Times by ſuch Clerk, and Eight of ſuch Papers ſhall be then drawn out of ſuch Box or Wheel by ſuch Clerk one by one, and the Directors whoſe Names ſhall be upon ſuch Papers reſpectively ſo drawn as laſt-aforeſaid, ſhall go out of Office and ceaſe to be Directors of the ſaid Company; and ſo many of the Members of the ſaid Company of Proprietors preſent at ſuch laſt-mentioned General Aſſembly or Adjournment, as ſhall then be reſident in the ſaid Iſland of *Portſea*, and if none of the Members of the ſaid Company of Proprietors then preſent ſhall then be reſident in the ſaid Iſland, then all the Members of the ſaid Company then preſent, indiſcriminately, ſhall ballot for or chooſe and appoint in the Room or Stead of each and every Director going out of Office as laſt aforeſaid, who at the Time of his original Appointment ſhall have been reſident in the ſaid Iſland, another Member of the ſaid Company reſident in the ſaid Iſland, and poſſeſſed of and entitled to Three Shares at the leaſt in the ſaid Undertaking; and ſo many of the Members of the ſaid Company of Proprietors preſent at ſuch laſt-mentioned General Aſſembly or Adjournment, as ſhall be then reſident in *London* or within Ten Miles therefrom, and if none of the Members of the ſaid Company of Proprietors then preſent ſhall be ſo reſident, then all the Members of the ſaid Company then preſent, indiſcriminately, ſhall ballot for or chooſe and appoint in the Room or Stead of each and every Director going out of Office as aforeſaid, who at the Time of his original Appointment ſhall have been reſident in *London*, or within Ten Miles therefrom, a Member of the ſaid Company reſident as laſt aforeſaid, and qualified as aforeſaid, to be a Director of the ſaid Company; and the Eight Perſons, ſo nominated and appointed as laſt aforeſaid, ſhall continue in Office for the Space of Three Years (except in caſe of Death or Refuſal to act, or ceaſing to be qualified in Manner by this Act directed) and no longer; and on the Firſt *Wedneſday* in the next ſucceeding Month of *May*, the Eight remaining Directors of thoſe firſt nominated or appointed by virtue of this Act as Directors, ſhall go out of Office, and ceaſe to be Directors of the ſaid Company; and ſo many of the Members of the ſaid Company of Proprietors preſent at ſuch laſt-mentioned General Aſſembly or Adjournment, as ſhall be then reſident in the ſaid Iſland of *Portſea*, and if none of the Members of the ſaid Company of Proprietors then preſent ſhall be then reſident in the ſaid Iſland, then all the Members of the ſaid Company then preſent indiſcriminately, ſhall ballot for or chooſe and appoint in the Room or Stead of each and every Director going out of Office as laſt aforeſaid, who at the Time of his Appointment ſhall have been reſident in the ſaid Iſland, a Member of the ſaid Company reſident in the ſaid Iſland, qualified as aforeſaid, to be a Director of the ſaid Company; and ſo many of the Members of the ſaid Company of Proprietors preſent at ſuch laſt-mentioned General Aſſembly or Adjournment, as ſhall be then reſident in *London*, or within Ten Miles therefrom; and if none of the Members of the ſaid Company of Proprietors then preſent ſhall be ſo reſident, then all the Members of the ſaid Company then preſent, indiſcriminately, ſhall ballot for or chooſe and appoint in the Room or Stead of each and every Director going out of Office as laſt aforeſaid, who at the Time of his Appointment ſhall have been reſident in *London*, or within Ten Miles therefrom, a Member of the ſaid Company then reſident as laſt aforeſaid, and qualified as aforeſaid, to be a Director of the ſaid Company, and ſuch Eight Perſons ſo nominated and appointed as laſt aforeſaid, ſhall continue in Office for the

Space

Space of Three Years, except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed, and no longer; and that at the General Assembly to be holden on the First *Wednesday* in every succeeding Month of *May* in each and every Year, or any Adjournment thereof, Eight Directors out of the Members of the said Company, qualified as aforesaid, shall be nominated and appointed in Manner hereinbefore mentioned, in lieu of the Eight who shall then have been Three Years in the Direction, and shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed) and no longer; and in the Room or Stead of every Director for the Time being, who at the Time of his Nomination or Appointment to be a Director, shall have been resident in the said Island of *Portsea*, and who shall go out of Office at any such General Assembly to be holden as last aforesaid, or any Adjournment thereof, a Member of the said Company, qualified as aforesaid, and resident in the said Island, shall, at the said General Assembly or Adjournment, be from Time to Time ballotted for or chosen and appointed to be a Director of the said Company, by so many of the Members of the said Company of Proprietors present at such Assembly as last aforesaid, as shall be resident in the said Island, if any such Members shall be present, and if not, then by all the Members of the said Company then present, indiscriminately; and in the Room or Stead of every Director for the Time being, who at the Time of his Nomination or Appointment shall have been resident in *London*, or within Ten Miles therefrom, and who shall go out of Office at the said General Assembly, to be from Time to Time holden on the said First *Wednesday* in the said Month of *May*, or any Adjournment thereof, a Member of the said Company, qualified as aforesaid, and resident in *London*, or within Ten Miles therefrom, shall at the same General Assembly or Adjournment be from Time to Time ballotted for or chosen and appointed to be a Director of the said Company by such of the Members of the said Company of Proprietors present at the same General Assembly or Adjournment, as shall be resident in *London*, or within Ten Miles therefrom, if any such Members shall be present at such General Assembly or Adjournment, and if not, then by all the Members then present, indiscriminately, to the Intent that Sixteen of the Twenty-four Directors for the Time being may at all Times be Persons resident in the Island of *Portsea*, and the remaining Eight Directors for the Time being may be Persons resident in *London*, or within Ten Miles therefrom: Provided always, that any Person or Persons, qualified as aforesaid, and going out of Office as aforesaid, shall and may be again nominated and appointed to be a Director or Directors of the said Company; but no Person who shall not reside in the said Island of *Portsea*, or in *London*, or within Ten Miles from *London*, shall be capable or enabled to be nominated or appointed a Director or Directors of the said Company.

Proprietors of Lands in the Island to be considered as Residents, for the Purpose of voting for Directors.

XX. Provided always, and be it further enacted, That it shall and may be lawful to and for each and every Proprietor of the said Undertaking, who is or shall be a Proprietor of any Messuages, Lands, Tenements, or Hereditaments, situate and being in the said Island of *Portsea*, of the clear Annual Value of Twenty Pounds, to vote in the Choice of Directors as a Proprietor of the said Undertaking, resident in the Island of *Portsea* aforesaid, and each and every Proprietor thereof, being a Proprietor of any Messuages, Lands, Tenements, or Hereditaments so situate or being, shall be, and he and she is hereby considered to be, for this Purpose,

pose, a Resident within the said Island, and shall and may vote by himself or herself, or by Proxy, in the Choice of any Director or Directors accordingly.

In case Directors are not appointed on the Days mentioned, another Meeting to be had for that Purpose.

XXI. Provided also, and be it enacted, That in case on any such First *Wednesday* in the Month of *May* in any Year, no such Nomination and Appointment of such Eight Directors shall be made, then and in every such Case another Meeting of the said Company shall be holden on the *Wednesday* following, for the Purpose of making such Election; and in case no such Nomination and Appointment of such Eight Directors shall be then made, then and in every such Case another Meeting of the said Company shall be holden on the *Wednesday* following, for the Purpose of making such Election, and so *toties quoties*, on the *Wednesday* in every Week, until such Eight Directors shall be chosen; but such Eight Directors shall not continue in Office, or be Directors of the said Company, for any longer Space of Time than if they had been elected on the said First *Wednesday* in the Month of *May* as aforesaid.

Subsequent Appointment of Directors in the Room of those who shall die or refuse to act, &c.

XXII. And be it further enacted, That in case any Person or Persons nominated and appointed by the said Company as a Director or Directors of the said Company shall die or refuse to act in the Execution of this Act, or shall not be or shall cease to be entitled to Three Shares at the least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, then and in every such Case it shall and may be lawful to and for the said Company to nominate and appoint, at some Assembly of the said Company, some Person or Persons qualified as aforesaid, and resident in the Island of *Portsea*, or resident in *London*, or within Ten Miles therefrom, as the Case of such Director or Directors making the Vacancy may have been at the Time of his or their Appointment respectively to be a Director or Directors of the said Company, in the Room or Stead of such Director or Directors so dying or refusing to act, or ceasing to be so qualified, or holding any Place, Office, or Employment, or Contract under the said Company, and every Person so nominated and appointed shall be nominated and appointed in like Manner, and have the like Powers and Authorities, and shall be subject to the like Rules, Regulations, and Restrictions as the Persons in whose Room or Stead he shall be so nominated and appointed, and shall continue in Office as a Director for such Time, and no longer, as the Director in whose Room or Stead he shall be so nominated or appointed would have continued in Office.

General Assemblies for choosing Directors to consist of Fifty Shares.

XXIII. And be it further enacted, That if at any such General Assembly there shall not be Persons present who shall be possessed of or entitled unto at least Fifty Shares as Principals in the said Undertaking, such General Assembly of the said Company shall be adjourned to that Day Fortnight, to be holden at the same Place, and so from Time to Time, until there shall be such Persons present at such General Assembly having such Number of Shares as aforesaid; and of every such adjourned Meeting Three Days Notice shall be given in the Newspapers printed in the Island of *Portsea*, if there shall be any, and in Two or more of the *London* Newspapers; and in case of Failure of the assembling of a sufficient Number of the Proprietors having such Shares as Principals at such General Assembly, every Proprietor being resident in or within Ten Miles of

of the Town of *Portſmouth*, who ſhall not attend ſuch Second or any ſubſequent General Aſſembly, ſhall for each and every Abſence forfeit and pay to the ſaid Company, for every Share which he or ſhe ſhall poſſeſs in the ſaid Undertaking, the Sum of Ten Shillings, to be deducted out of his or her next preceding Payment of Intereſt or Dividends of the Profits of the ſaid Undertaking, as the Caſe may happen; and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default as aforeſaid, within Twelve Calendar Months next after the making of ſuch Default, then and in ſuch Caſe ſuch Penalty and Forfeiture of Ten Shillings ſhall and may be levied and recovered by ſuch Ways and Means as any other Penalty or Forfeiture impoſed by this Act may be levied and recovered.

No Director to be concerned in any Contract, &c.

XXIV. And be it further enacted, That no Director ſhall hold any Contract, or enjoy any Place of Profit created by this Act, or be beneficially employed, or in any Manner intereſted or concerned, directly or indirectly, in ſupplying any Articles or Materials for the Uſe of the ſaid Company; and in caſe any Director ſhall hold any Contract, or enjoy any Place of Profit created by this Act, or under the ſaid Company, or ſhall be in any Manner beneficially employed or concerned, directly or indirectly, in ſupplying any Articles or Materials for the Uſe of the ſaid Company, every ſuch Director ſhall forfeit and pay the Sum of Five hundred Pounds, together with full Coſts of Suit, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and One Moiety of ſuch Penalty, when recovered, ſhall be paid to the Perſon or Perſons who ſhall ſue for the ſame, and the other Moiety ſhall be paid to the ſaid Company, to be applied for the Purpoſes of this Act, and the Perſon or Perſons ſo convicted ſhall be abſolutely diſqualified from acting any longer as a Director or Directors of the ſaid Company; and no Director intereſted in any ſuch Contract, Matter, or Thing as aforeſaid ſhall vote in any Queſtion touching or concerning the ſame.

Powers to General Aſſemblies.

XXV. And be it further enacted, That the ſaid Company of Proprietors ſhall have Power and Authority, at any General Aſſembly, to remove and diſplace any Director nominated and appointed by virtue of this Act, and from Time to Time to nominate and appoint another Perſon or Perſons in his or their Room or Stead, according to the Rules and Regulations herein-before preſcribed in reſpect to the Nomination and Appointment of Directors; and it ſhall and may be lawful to and for the ſaid Company of Proprietors, at any General or Special General Aſſembly, to order and diſpoſe of the Cuſtody of their Common Seal, and the Uſe and Application thereof, and to make ſuch Rules, Bye Laws, and Orders for the good Government of the ſaid Company and their Servants, Agents, and Workmen, and for the Superintendance and Management of the ſaid Undertaking, and from Time to Time to alter and repeal the ſaid Bye Laws, Rules, Orders, and Regulations, or any of them, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons who ſhall offend againſt the ſame, as to ſuch General or Special General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any One Offence; and all ſuch Rules, Bye Laws, and Orders being reduced into

into Writing under the Common Seal of the ſaid Company, and printed, ſhall be binding upon and obſerved by all the Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided that the ſame be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Proviſions and Directions in this Act contained, or to any of them; and all ſuch Rules, Bye Laws, and Orders ſhall be ſubject to Appeal in Manner herein directed; and every ſuch General and Special General Aſſembly ſhall have Power to call for, audit, and ſettle all Accounts of Money received, laid out, and diſburſed on account of the ſaid Undertaking by the Treaſurers, Receivers, or Collectors of any Money for the ſaid Company, and other Officers by them appointed, or by any other Perſon or Perſons whomſoever employed by, or concerned for or under them in and about the ſaid Undertaking, and the Works thereto belonging; and the ſaid Company ſhall have Power to adjourn themſelves from Time to Time to ſuch Place or Places within the ſaid Borough of *Portſmouth* or its Liberties as ſhall at any ſuch General or Special General Aſſemblies be thought proper and convenient.

Aſſemblies of the Proprietors may be convened.

XXVI. And be it further enacted, That if it ſhall at any Time appear that for the more effectually putting this Act into Execution, a Special General Aſſembly of the ſaid Company of Proprietors is neceſſary to be holden, it ſhall be lawful for any Ten or more of the ſaid Proprietors, poſſeſſing in the Whole Thirty Shares in the ſaid Undertaking, to cauſe Fourteen Days Notice at leaſt to be given of ſuch Special General Aſſembly in the Newſpapers printed in the ſaid Iſland of *Portſea*, if there ſhall be any, and in One or more of the *London* public Newſpapers, or in ſuch Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch Special General Aſſembly, and the Time when and the Place where the ſame ſhall be holden, which Place ſhall be within the ſaid Borough of *Portſmouth*, or the Liberties thereof, and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice; and ſuch of them as ſhall be preſent at ſuch Special General Aſſembly ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors with reſpect to ſuch Matters alone as ſhall be ſpecified in ſuch Notice; and all ſuch Acts, Orders, or Determinations of the Proprietors, or the major Part of them, ſo met together at every ſuch Special General Aſſembly, provided that the Proprietors preſent ſhall be poſſeſſed of at leaſt Fifty Shares in the ſaid Undertaking, ſhall be as valid with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any ſtated General Aſſembly.

Officers to the Company to be appointed.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, at any General Aſſembly, to nominate and appoint, under the Common Seal of the ſaid Company, a Treaſurer or Treaſurers, Engineer or Engineers, Clerk or Clerks, Collector or Collectors, and ſuch other Officers as to them the ſaid Company of Proprietors ſhall ſeem proper, and from Time to Time to remove any ſuch Treaſurer or Treaſurers, Engineer or Engineers, Clerk or Clerks, Collector or Collectors, or other Officers, or any of them, and to nominate and appoint another Perſon or Perſons in his or their Room or Stead in Manner aforeſaid, taking ſuch Security from every ſuch Treaſurer, Engineer, Clerk, Collector,

lector, or other Officer, for the due Execution of their reſpective Offices, and granting them ſuch Salary or Compenſation as the ſaid Company of Proprietors ſhall think proper; and ſuch Clerk or Clerks ſhall, in a proper Book or Books to be provided by the ſaid Company of Proprietors for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Undertaking, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, of all Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors and Directors reſpectively, and each of the ſaid Proprietors of the ſaid Undertaking ſhall and may at all Times have recourſe to and peruſe and inſpect the ſame, and alſo the Book or Books to be kept by the Chief or other Clerk to the ſaid Company of Proprietors *gratis*, and may demand and have Copies thereof, or any Part thereof, paying the Sum of Sixpence for every One hundred Words ſo to be copied; and if any ſuch Clerk or Clerks to the ſaid Company of Proprietors ſhall refuſe to permit any Proprietor or Proprietors ſo intereſted as aforeſaid to inſpect or peruſe ſuch Book or Books of Proceedings at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies at the Rate or Price aforeſaid, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

For appointing Officers in caſe of Vacancies.

XXVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Directors to ſuſpend or remove any Treaſurer, Engineer, Clerk, Collector, Officer, or Servant of the ſaid Company, for any Neglect, Miſconduct, or Inability, and to appoint ſome other Perſon in their reſpective Places, and alſo to fill up the Vacancies that may occur by Death, Reſignation, or otherwiſe; but in caſe any ſuch new Appointment ſhall be made by the ſaid Directors, the ſame ſhall only continue until the next General or Special General Aſſembly of the ſaid Proprietors, when the Appointment of ſuch Perſon ſhall either be confirmed, or ſuch other fit Perſon ſhall be appointed to ſucceed to ſuch Office, as the ſaid Proprietors, at ſuch General or Special General Aſſembly, ſhall think proper.

Officers, &c. to account.

XXIX. And be it further enacted, That every ſuch Treaſurer, Engineer, Clerk, Collector, and all other Officers and Perſons ſo to be appointed as aforeſaid, ſhall under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Company of Proprietors or their Directors ſhall direct, deliver to the ſaid Company of Proprietors, or to the ſaid Directors, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Treaſurer, Engineer, Clerk, Collector, Officer or Officers, and Perſon or Perſons reſpectively, received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payment, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Company of Proprietors, or to the ſaid Directors, or to any Perſon or Perſons as they reſpectively ſhall appoint; and if any ſuch Treaſurer, Engineer, Clerk, Collector, Officer or Perſon, ſhall refuſe to produce or deliver up ſuch Receipts or Vouchers, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Company

of Proprietors, or to the ſaid Directors, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint, within Twenty Days after being thereunto required by the ſaid Company of Proprietors, or by the ſaid Directors, all Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands, to the ſaid Company of Proprietors, or to the ſaid Directors, or as they reſpectively ſhall direct or appoint, then and in any of the Caſes aforeſaid the ſaid Company of Proprietors may and are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt the Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, for the Recovery of the Monies that ſhall be in the Hands of ſuch Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons reſpectively, or if Complaint ſhall be made by the ſaid Company of Proprietors, or by the ſaid Directors, or by ſuch Perſon or Perſons as they reſpectively ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the County, City, Town Corporate, or Place wherein the ſaid Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall be or reſide, ſuch Juſtices may and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons ſo refuſing or neglecting ſo to be brought before them, and upon his, her, or their appearing, or having been ſummoned and not appearing, or upon his, her, or their not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes, upon Oath, it ſhall appear to ſuch Juſtices that any of the Monies that have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons, ſuch Juſtices may and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Treaſurer, Engineer, Clerk, Collector, Officer or Officers, Perſon or Perſons can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of making and levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, ſhall ſtill perſiſt in refuſing or neglecting to deliver up all ſuch Books, Papers, and Writings as aforeſaid, to the ſaid Company of Proprietors, or to the ſaid Directors, or as they reſpectively ſhall appoint, then and in any of the Caſes aforeſaid ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol for ſuch County, City, or Place, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Company of Proprietors, or with the ſaid Directors, and ſhall have paid ſuch Compoſition, in ſuch Manner as they reſpectively ſhall appoint, and until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Company of Proprietors or to the ſaid Directors: Provided always, that no Treaſurer, Engineer, Clerk, Collector, Officer, or Perſon, ſo committed for want of ſufficient Diſtreſs, ſhall be confined

confined or detained in Priſon, by virtue of this Act, for any longer Space than Three Calendar Months.

Powers of Directors.

XXX. And be it further enacted, That no Director ſhall have more than One Vote at any Meeting of the ſaid Directors, except the Chairman, who, in caſe of an Equality of Votes upon any Queſtion which may be agitated at any Meeting of the ſaid Directors, ſhall have the caſting Vote; and all the Powers and Authorities hereby veſted in or directed to be exerciſed by the ſaid Directors, may be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five, and the ſaid Directors ſhall from Time to Time make Reports of their Proceedings to the ſaid General Aſſemblies, and if required, to the ſaid Special General Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; and the ſaid Directors ſhall (ſubject nevertheleſs, at all Times, to ſuch Orders and Directions as aforeſaid) meet at ſuch Times and Places, and ſhall from Time to Time adjourn themſelves to ſuch other Times and Places, as they ſhall think fit; and the ſaid Directors ſhall and may contract for and agree with any Body Politic, Corporate, or Collegiate, or any Perſon or Perſons, being Owner or Owners, Occupier or Occupiers thereof, or intereſted therein, and willing to ſell or let the ſame for the Purchaſe or Rent of Lands, Tenements, or Hereditaments, that may be wanted for the Purpoſes of the ſaid Undertaking and the Works thereunto belonging; and ſhall and may on Behalf of the ſaid Company of Proprietors, ſettle, adjuſt, and determine all Matters, Queſtions, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of and Perſons intereſted in any Lands, Tenements, or Hereditaments, which may be wanted, damaged, or affected by the Execution of any of the Powers hereby granted, and ſhall and may make Contracts, Agreements, and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making, completing, or continuing the Works belonging to the ſaid Undertaking, and all and every Part or Parts thereof, and the ſaid Directors ſhall (ſubject nevertheleſs to the Orders and Directions of ſuch General or Special General Aſſemblies as aforeſaid) have full Power and Authority to direct and manage the Affairs of the ſaid Company of Proprietors; and the ſaid Directors ſhall, by themſelves or the Clerk to the ſaid Company of Proprietors, keep a full and true Account of all Money diſburſed and Payments made by the ſaid Directors, and by all and every Perſon and Perſons employed by or under them, and of all and every Sum and Sums of Money which they ſhall receive on Behalf or in reſpect of the ſaid Undertaking from any Collector or Collectors, or other Officer or Officers, or from any other Perſon or Perſons whomſoever employed in or having any Concerns, Dealings, or Tranſactions, with the ſaid Undertaking, or in or with any Part or Parts thereof, and ſhall regularly, by themſelves or their Clerk as aforeſaid, write, inſert, and enter in a Book or Books to be from Time to Time provided at the Expence of the ſaid Company of Proprietors for that Purpoſe, Minutes or Copies (as the Caſe ſhall require) of every ſuch Contract, Bargain, Receipt, and Diſburſement, and of all other their Orders and Proceedings, which Book or Books ſhall be depoſited with and kept locked up under the Care and Direction of the ſaid Directors: Provided always, that every Proprietor ſhall have free Acceſs thereto, upon every reaſonable Deſire, for his and her Inſpection; and the

ſaid

ſaid Directors ſhall have Power, from Time to Time, to make ſuch Call or Calls for Money from the Subſcribers to and Proprietors of the ſaid Undertaking, to defray the Expences of or to carry on the ſame, as they the ſaid Directors from Time to Time ſhall find wanting and neceſſary for theſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Five Pounds upon each Share; and ſuch Calls ſhall not be made but at the Diſtance of Thirty Days at leaſt from each other, and Twenty-one Days Notice at the leaſt ſhall be given of all ſuch Calls as aforeſaid by Advertiſement in the ſeveral Newſpapers printed in *Portſmouth* or *Portſea*, if there be any ſuch publiſhed, and in ſome *London* public Newſpaper or Newſpapers, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct and appoint; provided that it ſhall not be lawful to make any further Call upon any Proprietor or Proprietors who ſhall have paid to the ſaid Company, in obedience to the ſaid Calls, or otherwiſe, the full Amount of the Sum or Sums which by his, her, or their Subſcription, he, ſhe, or they had undertaken to pay for his, her, or their ſaid Share or Shares; and every Owner or Owners, Proprietor or Proprietors of any Share or Shares in the ſaid Undertaking ſhall pay his, her, or their rateable Proportions of the Monies to be called for as aforeſaid to ſuch Perſon or Perſons, and at ſuch Time and Place as the ſaid Directors ſhall from Time to Time order and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the ſaid Money ſo called for as aforeſaid at the Time and Place appointed by the ſaid Directors, or within Thirty Days next enſuing, he, ſhe, or they ſo neglecting or refuſing ſhall forfeit and pay the Sum of Ten Shillings for every Share he, ſhe, or they ſhall have in the ſaid Undertaking; and if ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her, or their rateable Call or Calls as aforeſaid, for the Space of Three Calendar Months next after the Time ſo appointed for Payment thereof, then he, ſhe, or they ſo neglecting or refuſing ſhall forfeit his, her, or their reſpective Share or Shares in the ſaid Undertaking, and all the Profits and Benefits thereof, all which Shares ſo forfeited ſhall be veſted in the ſaid Company of Proprietors in Truſt for and for the Benefit of all the reſt of the ſaid Proprietors, in proportion to their reſpective Intereſts in the ſaid Undertaking, or ſhall, at the Diſcretion of any of the ſaid General or Special General Aſſemblies, be publicly ſold for the Uſe of the reſt of the ſaid Proprietors whoſe Shares and Intereſts ſhall not have been forfeited as aforeſaid: Provided nevertheleſs, that no Advantage ſhall be taken of any Forfeiture of any Share or Shares until Ten Days Notice ſhall have been given to or left at the uſual or laſt Place or Places of Abode of the Owner or Owners of ſuch Share or Shares reſpectively, provided ſuch Place or Places of Abode ſhall be known to the Clerk to the ſaid Company of Proprietors, and ſhall be within Ten Miles of the ſaid Town of *Portſmouth*, nor until the ſame Share or Shares ſhall likewiſe have been declared to be forfeited at ſome General or Special General Aſſembly of the Company of Proprietors.

Subſcribers to pay their Subſcriptions.

XXXI. Provided always, and be it enacted, That the reſpective Perſons who have ſubſcribed, or who ſhall hereafter ſubſcribe or advance any Money for and towards the ſaid Undertaking, or ſhall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the ſaid Undertaking, ſhall and they are hereby required to pay the Sum or Sums by them reſpectively ſubſcribed (or ſuch Part and Proportions thereof as ſhall from Time

Time to Time be called for by the Directors of the said Company of Proprietors, by virtue of the Powers and Directions of this Act) at such Times and Places, and in such Manner as shall be directed by the said Directors; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Directing the Proceedings in Actions for Calls.

XXXII. And be it further enacted, That in all Actions to be brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants, being an Owner or Owners, or Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in arrear shall amount unto, for so much or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may be), whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the Special Matters; and on the Trial of such Action, it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of, or had subscribed or engaged for some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made in pursuance of the Direction of this Act, and that such Notice thereof was given as is directed by this Act, and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every One Hundred Pounds, or was made within the Distance of Thirty Days from the last preceding Call, or without Notice given as aforesaid; and after Judgement shall be given for the said Company of Proprietors in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants shall, with Two sufficient Sureties, first become bound to the said Company by Recognizance to be acknowledged in the Court in which such Judgement shall be given, in double the Sum adjudged to the said Company of Proprietors by such Judgement, to prosecute the said Writ of Error with effect; and also if the said Judgement be affirmed, or the said Writ of Error be Non-prossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution.

On the Death of Subscribers their Executors may complete the Payment of their Shares.

XXXIII. And be it further enacted, That if any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall die before such Call or Calls shall have been made for the full Sum or Sums to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provi-

ſion by Will or otherwiſe, how and in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Calls in reſpect thereof ſhall be paid to the ſaid Company of Proprietors for the Purpoſe of the ſaid Undertaking, then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Owner or Owners, Proprietor or Proprietors ſo dying, or the Truſtee or Truſtees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner or Owners, Proprietor or Proprietors, ſhall be indemnified againſt all and every other Perſon or Perſons whomſoever, for or on account of his or her having paid any Sum or Sums of Money when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch deceaſed Owner or Owners ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Owner or Owners, on Condition that he, ſhe, or they ſo admitted do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Perſon or Perſons who may be entitled to his, her, or their Effects, the full Sum or Sums of Money which ſhall have been paid by ſuch Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no Perſon or Perſons ſhall be found who is or are willing to be admitted on ſuch Condition as aforeſaid, then and in ſuch Caſe ſuch Share or Shares ſhall be forfeited to and become veſted in the Reſt of the Company of Proprietors of the ſaid Undertaking, in Truſt for, and for the equal Benefit of all the Reſt of the ſaid Proprietors in Proportion to their reſpective Intereſts in the ſaid Undertaking, and ſhall be ſubject to be ſold and diſpoſed of in like Manner as other forfeited Shares may be ſold and diſpoſed of by virtue of this Act.

Power to make Waterworks.

XXXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, by themſelves, their Deputies, Officers, Agents, Servants, Workmen, and Aſſiſtants, to make, complete, and maintain Waterworks, Aqueducts, Reſervoirs, Waterwheels, Steam Engines, and other Engines, Pipes, and other Works neceſſary for the Purpoſes of this Act, in the ſaid Borough of *Portſmouth* and the Liberties thereof, and the ſeveral Towns and Pariſhes of *Portſmouth* and *Portſea*, in the Iſland of *Portſea*, in the County of *Southampton*, and in or near the Harbour of *Portſmouth*, and by means of ſuch Works to ſupply the Inhabitants of the ſaid Borough and Liberties, and the ſaid Towns and Pariſhes of *Portſmouth* and *Portſea*, and Places adjacent, and the Shipping belonging or reſorting to the ſaid Port, with Water from the Springs or Sources of Water which lie or are ſituate and have their Courſe or Paſſage in and through certain Layers or Strata of the Ground below the Surface thereof, in the ſaid Piece of Land or Place called *The White Swan Field*, as delineated in a certain Map or Plan depoſited with the Clerk of the Peace for the County of *Southampton*;

and the ſaid Company are hereby fully empowered, by themſelves, their Deputies, Agents, Workmen, or Servants, to ſupply the ſaid intended Waterworks, Aqueducts, Reſervoirs, and other Works, whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be made, with Water from the ſaid Springs and Sources of Water, and to make ſuch and ſo many Feeders, Tunnels, and Shafts, and to make, erect, and ſet up ſuch and ſo many Sluices, Weirs, Engines, Steam Engines, and other Machines for ſupplying the ſaid Waterworks with Water, and for any other Purpoſes for the making, maintaining, and uſing of ſuch Waterworks, as they the ſaid Company of Proprietors or their Succeſſors ſhall from Time to Time think proper and expedient; and for the Purpoſe of diſtributing ſuch Water to the different Inhabitants, and effectuating the ſeveral Purpoſes of this Act, it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, and to and for their Agents, Officers, Workmen, and Servants, to dig and break up the Soil and Pavement of any of the Roads, Highways, Foot-ways, Commons, Streets, Lanes, Alleys, Paſſages, and Public Places within, adjacent, and near unto the ſaid Borough, Towns, and Pariſhes, and to ſink and lay Pipes, Trunks, and other Conveniencies for the Purpoſes aforeſaid, and to put Stop Cocks, or Plugs, or Branches from ſuch Pipes, Trunks, and other Conveniences in ſuch Places and in ſuch Manner as ſhall be neceſſary for the Purpoſes aforeſaid, and from Time to Time to alter the Poſition of, and to repair, relay, and maintain ſuch Pipes, Tunnels, Stop Cocks, and Plugs, and do all ſuch Acts, Matters, and Things, as they the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall from Time to Time and at any Time think neceſſary and convenient for completing, amending, repairing, improving, and uſing the Works authorized by this Act to be done and provided, according to the true Intent and Meaning thereof; and the ſaid Company of Proprietors are hereby empowered to make ſuch Engine Houſes and other Works, and all ſuch Ciſterns, Ponds, Baſons, Main-pipes, Rider-pipes, Hand-pipes, Service-pipes, Branches of Lead, and other Metal Cocks, Chamber Cocks, Cocks in common, Stop Cocks, Valves, Fire-plugs, Air-plugs, Fire Cocks, Mains, Feeders, Fanipers, and Pumps, as the ſaid Company of Proprietors ſhall think requiſite for the ſeveral Purpoſes of the ſaid Undertaking, and alſo from Time to Time to divert, alter, repair, widen, enlarge, amend, and diſcontinue the ſame, they the ſaid Company of Proprietors, their Agents, Deputies, Officers, Workmen, and Servants, doing as little Damage as may be in Execution of the Powers hereby granted to them, and making full Satisfaction for any Damages thereby occaſioned: Provided nevertheleſs, that the ſaid Reſervoirs ſhall be within the ſaid *White Swan Field*, and not elſewhere; and that the main or leading Pipes from the Reſervoirs into the Town of *Portſmouth* ſhall be laid by the neareſt practicable and convenient Courſe through the High Road, and the Lands of His Majeſty, as deſcribed in the ſaid Map or Plan, and the Main or leading Pipes from the ſaid Reſervoirs in the Town of *Portſea* ſhall be laid by the neareſt practicable and convenient Courſe acroſs the ſaid High Road, and through the Lands of His Majeſty, and certain Parts or Places of or in the Fortifications of the ſaid Towns reſpectively, agreeably to the Lines drawn upon the ſaid Map or Plan, except ſo far as any Deviation ſhall or may be occaſioned in the Directions of the ſaid Lines in the High Road, or in or through the Lands of His Majeſty, or the ſaid Fortifications, in conſequence or by virtue

virtue of any Order or Orders which may be given by any Three or more of the Members of His Majesty's Board of Ordnance.

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

XXXV. And be it further enacted, That after any Lands, Grounds, or Hereditaments, shall be set out and ascertained for making the said Waterworks, Reservoirs, Aqueducts, Feeders, and other Works, or any Part or Parts thereof, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and to and for all Tenants for Life and Tenants in Fee Tail General or Special, or for Years determinable on any Life or Lives, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons, and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, lease, sell, and convey the same, and every Part thereof, to the said Company of Proprietors; and all such Contracts, Agreements, Sale, Conveyance, and Assurance, shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands, Tenements, or Hereditaments, to the said Company of Proprietors, shall be made according to the following Form:

Form of the Conveyance to the Company.

'I *A. B.* of in Consideration of the Sum of
'to me paid [*or*, in Consideration of the Annual
'Rent of to me to be hereafter
'yielded and paid by Yearly or Half-yearly Payments, *as may be agreed*
'*upon*] by the Company or Proprietors of "The *Portsea* Island Water-
'works,"] do hereby grant and release to the said Company, all [*describing*
'*the Premises to be conveyed*] and all my Right, Title, and Interest
'to and in the same, and every Part thereof; to hold to the said
'Company and their Successors for ever, by virtue and according to the
'true Intent and Meaning of the Act passed in the Forty-ninth Year of
'the Reign of His Majesty King *George* the Third, intituled, [*here insert*
'*the Title of this Act*]. In Witness whereof I have hereunto set my Hand
'and Seal, this Day of in the Year of
'our Lord

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

XXXVI. And

Company empowered to resell Lands which may not be wanted.

XXXVI. And whereas in order to carry into effect the Purposes of this Act, and to avoid Disputes with the Owners of Lands, Grounds, or Hereditaments, which may be affected by making the said Waterworks, Reservoirs, Aqueducts, and other Works, the said Company of Proprietors may purchase Lands, Buildings, or Hereditaments not necessary to be made use of, or more than shall be necessary for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal, absolutely to grant and convey such Part or Parts of the Lands or Hereditaments which shall be so purchased by and conveyed to the said Company of Proprietors as aforesaid, as shall not be wanted for the Purposes of this Act; and also to lay out and appropriate any Part of the said Lands and Premises as for a Way or Ways, Avenue or Avenues, Passage or Passages, and that all such Conveyances from the said Company of Proprietors shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Rents, or Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Rents, or Premises, shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and such Person or Persons shall not be answerable for any Losses, Misapplication, or Nonapplication of such Purchase Money or any Part thereof: Provided always, that the said Company of Proprietors, before they shall sell and dispose of such Lands or Hereditaments, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case it shall be lawful for the said Company to sell and dispose of the same to any other Person or Persons, and that an Affidavit sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person or Persons no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be.

If former Owners are desirous to repurchase, but dissatisfied with the Price required for the Repurchase, a Jury to decide it.

XXXVII. Provided always, and be it further enacted, That in case the Person or Persons who shall be entitled, under the Clause or Proviso lastly herein-before contained, to have the first Offer of any Lands or Hereditaments which shall be purchased by the said Company of Proprietors, and which they may determine to resell as aforesaid, shall be desirous of repurchasing any such Lands or Hereditaments, but shall be dissatisfied with any Sum of Money for which the said Company of Proprietors shall offer to resell the same to him or them, and shall give Notice thereof in Writing to the Clerk of the said Company, within Seven Days next after such

such Offer shall have been made, then and in every such Case the Sum of Money to be paid as the Price of each such Repurchase shall be settled, assessed, and ascertained by the Verdict of a Jury, to be impannelled, summoned, and returned in the same Manner and Form, to all Intents and Purposes, as the Juries herein-after required to be impannelled, summoned, and returned, for assessing and ascertaining the Satisfactions and Compensations to be paid to the Persons from whom the said Company of Proprietors shall purchase any Lands or Hereditaments under the Authority of this Act; and every Clause, Power, and Provision in this Act contained relative to the Mode of ascertaining such last-mentioned Satisfaction and Compensation, the challenging of Jurymen, the not challenging the Array, the Authorities of and Pains and Penalties upon Sheriffs, Justices of the Peace, Clerks of the Peace, Serjeants at Mace, Juries, Persons summoned as Jurors, Witnesses, and other Persons, the recording of Verdicts, the Effect of Verdicts and Judgements, the non-removal thereof by *Certiorari* or otherwise, shall extend and be applicable to the Cases of Sales by the said Company of Proprietors to the Person or Persons to whom they are herein-before required to make the first Offer of Lands and Hereditaments which they may determine to resell as aforesaid, as fully and effectually as to the Cases of Purchases to be made under the Authority of this Act; and in every Case where a Verdict shall be given for a less Sum of Money to be paid as the Price of the Repurchase of any Lands or Hereditaments, than the Sum at which the same shall have been previously offered by the said Company of Proprietors to the Person or Persons to whom they are hereby required to make the first Offer thereof as aforesaid, then all the Expences of summoning such Jury and taking such Verdict shall be paid by the said Company, and the said Costs and Expences shall and may be deducted out of the Money so assessed and ascertained as so much Money advanced to and for the Use of the said Company, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and ascertained; but if a Verdict shall be given for a Sum equal to or greater than the Sum at which such Lands or Hereditaments shall have been previously offered to be resold by the said Company as aforesaid, then and in every such Case all the Costs and Expences of summoning such Jury and taking such Verdict shall be paid by the Person or Persons to whom such Lands and Hereditaments shall be so resold by the said Company.

The Words "Grant, Bargain, and Sell," to operate as Covenants for the Title.

XXXVIII. And be it further enacted, That in all Grants and Conveyances to be made by the said Company of Proprietors, under or by virtue and in pursuance of the several Powers and Authorities to them hereby given, the Words, "Grant, Bargain, and Sell," shall amount to, and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company of Proprietors, for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, or any Person or Persons claiming by, from, or under them, were at the Time of the Execution of every such Grant or Conveyance, seised of the Hereditaments and Premises thereby

thereby granted, conveyed, and ſold, of an indefeaſible Eſtate of Inheritance in Fee Simple, free from all Incumbrances and for quiet Enjoyment thereof againſt the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and all claiming under them; and all ſuch Purchaſers ſhall be indemnified and ſaved harmleſs by the ſaid Company of Proprietors and their Succeſſors, againſt any Acts done by them.

Application of Purchaſe-Money.

XXXIX. And be it further enacted, That all and every Sum and Sums of Money which ſhall be had, received, and taken by the ſaid Company of Proprietors, as the Conſideration of any ſuch Sale as aforeſaid, ſhall be paid, applied, and diſpoſed of in ſuch and the like Manner as any other Sums of Money ariſing or to ariſe from the ſaid Waterworks, Reſervoirs, Aqueducts, and Feeders, are hereby directed to be paid, applied, and diſpoſed of.

Satisfaction to be made.

XL. Provided always, and be it further enacted, That all and every Body and Bodies Politick, Corporate or Collegiate, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Truſt, Executors, Adminiſtrators, Femes Covert, Huſbands, Guardians, Committees, Truſtees, and all and every Perſon and Perſons who is or are ſeized, poſſeſſed of, or intereſted in any Lands or other Hereditaments, through, in, or upon which the ſaid Waterworks, Reſervoirs, Aqueducts, Watercourſes, or Feeders, or other Works hereby authorized, are intended to be made, may accept and receive Satisfaction for the Value of ſuch Lands, Grounds, and Hereditaments, and for the Damages to be ſuſtained by the making and completing the ſaid Works herein-before directed, either in groſs Sums or by annual Rents (except in Caſes of Spiritual Perſons to whom Compenſation for Glebe and Tythes ſhall be made by annual Rent in Manner herein directed), as ſhall be agreed upon by and between the ſaid Parties intereſted reſpectively, or any of them, and the ſaid Company Proprietors or their Directors; and in caſe the ſaid Company of Proprietors or their Directors, and the Parties intereſted in ſuch Lands, Grounds, or other Hereditaments, cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Verdict of a Jury, as is herein-after directed.

If Parties are diſſatisfied with the Directors Determination, they may cauſe a Jury to be impannelled to decide the Matter.

XLI. And be it further enacted, That if any ſuch Body Politick, Corporate or Collegiate, or any Feoffee or Feoffees in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Truſtee, Committee of or for any Lunatic or Idiot, or any Feme Covert, or any Perſon, whether Tenant for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any Sum of Money offered by the ſaid Directors or any Three or more of them, and ſhall give Notice thereof in Writing to the Clerk to the ſaid Company within Twenty-one Days next after the ſame ſhall have been made, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or any other Perſon or Perſons, ſhall upon Notice in Writing given to the principal Officer of any ſuch Body Politick, Corporate or Collegiate, or to ſuch Feoffee or Feoffees in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Truſtee, Committee of or for

for any Lunatic or Idiot, or to such Feme Covert, or to such Tenant for Life or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or other Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act for the Space of Twenty-one Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Twenty-one Days, produce and fully disclose the State of the Title to the Premises of which they are or shall be in Possession, and to the Interest which they Claim therein, then and in every such Case the said Directors or any Three or more of them shall and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Clerk of the Peace of the said Borough, and in case any such Clerk of the Peace shall be One of the said Company of Proprietors, or enjoy any Office or Place of Profit or Trust under them, or shall be otherwise interested in the Matter in Question, then to any One of the Serjeants at Mace of the said Borough, who shall not be so interested as aforesaid, and in case all the said Serjeants at Mace shall be so interested, then to any other Person who shall not be interested as aforesaid, commanding such Clerk of the Peace, Serjeants at Mace, or other Person, to impannel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the Justices of the Peace for the said Borough, at some Court of General or Quarter Sessions of the Peace to be holden there, or at some Adjournment thereof, as in such Warrant shall be appointed, and to attend such Court from Day to Day until discharged by the said Court; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Justices are hereby empowered and required, by any Precept or Precepts, to summon and call before them all and every Person or Persons who shall be thought necessary, to be examined as a Witness or Witnesses touching the Matter in Question, and to hear and examine such Witness or Witnesses upon Oath, and the said Justices may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in Question, which Jury upon their Oaths, (which Oaths, and also the Oaths of such Persons as shall be called to give Evidence, such Justices are hereby authorized to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands or other Hereditaments, or the Recompences to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and for any several and separate Interests of any Owners, Tenants, Tenants for Life or Lessees, or Tenants at Will or any other Interest therein; and the said Justices shall give Judgement for such Purchase Monies, Rent, or Recompence, so to be assessed by such Jury; which said Verdict, and the Judgement thereupon to be pronounced as aforesaid, shall be signed by the said Justices, and shall be binding and conclusive

conclusive to all Intents and Purposes, against all Bodies Politick, Corporate or Collegiate, and all other Persons, and shall not be removed by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Compelling the Sheriff to summon a Jury.

XLII. And be it further enacted, That if the Clerk of the Peace, Serjeant at Mace, or other Person, so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined or to give Evidence, every Person so offending, having no reasonable Excuse (to be allowed by the said Justices), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty, and the Charges of such Distress and Sale shall be deducted; and every such Penalty so recovered from any Person who shall have been so summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justices to be injured by the Default of such Person.

Punishing Persons guilty of Perjury.

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

For making Satisfaction for Tythes.

XLIV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both Great and Small, of the Lands which shall or may be taken or made use of by the said Company, for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tythes in case such Lands had not been so taken or made use of, according to their respective Interests therein, such Tythes to be estimated at the average Value of Seven Years, commencing at *Michaelmas Day* One thousand eight hundred and one; such average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is hereinbefore directed to be ascertained: Provided always, that the Recompence and Satisfaction to be given by virtue of this Act for all Glebe Lands and

Tythes belonging to Spiritual Perſons ſhall be made to ſuch Perſons by an Annual Rent.

Expences of Witneſſes and Jury by whom to be paid.

XLV. And be it further enacted, That in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Tenements, or other Hereditaments, belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands, Tenements, or other Hereditaments, or other Property, than ſhall have been previouſly offered by or on Behalf of the ſaid Company or their Directors; or where any Verdict ſhall be found for any Damages where the Diſpute is for Damages only, and where no Compenſation ſhall have been previouſly offered or tendered in reſpect thereof by or on Behalf of the ſaid Company or their Directors; or where by reaſon of Abſence in Foreign Countries, or other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacited to enter into a Contract with and make Conveyances to, and receive Compenſation from the ſaid Company, as herein-before mentioned, then and in all ſuch Caſes all the Expences of ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be defrayed by the ſaid Company; but if any Verdict ſhall be given for the ſame Sum or Rent that ſhall have been previouſly offered by or on Behalf of the ſaid Company, or for a leſs Sum than ſhall have been ſo previouſly offered, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal or Neglect to enter into Treaty with or make Conveyances to, or receive Compenſations from the ſaid Company or their Directors, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe legally capacitated to treat and convey or receive ſuch Compenſations as aforeſaid, then and in all ſuch Caſes the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict, ſhall be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or other Perſon or Perſons with whom the ſaid Company ſhall have ſuch Concerns, Controverſies, or Diſputes, which ſaid Coſts and Expences having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Body or Bodies Politic, Corporate, or Collegiate, or other Perſons as aforeſaid, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; and in caſe no Damages ſhall be given by ſuch Verdict, where the Diſpute is for Damages only, ſuch Coſts and Expences, after being ſo aſcertained and ſettled as aforeſaid, ſhall and may be recovered by the ſaid Company, by ſuch Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

Determinations of Directors, &c. to be diſtinct from Compenſations for Damages.

XLVI. And be it further enacted, That the ſaid Juſtices and Juries reſpectively, in their Awards, Determinations, Judgements, and Verdicts, concerning the Value of Lands and other Hereditaments, ſhall ſeparately and diſtinctly apportion off any particular Eſtate, Terms, or Intereſts, and

alſo any Damages ſuſtained or to be ſuſtained by any Perſon or Perſons in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon ſuch Eſtate, Term, and Intereſt, and the Money adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

Lands to veſt abſolutely in the Company upon their giving Security for Payment of Value of Lands, &c.

XLVII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving good and ſufficient Security for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by any Jury or Juries for the Purchaſe of any ſuch Lands, Tythes, or other Hereditaments, or as a Recompence for any yearly Produce or Profits thereof, or as a Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands, Tythes, or other Hereditaments, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively, or to his, her, or their Agent or Agents, at any Time after the ſame ſhall have been actually ſo agreed for, determined, or aſſeſſed, or upon Payment of the ſaid Sum or Sums of Money into the Bank of *England* (in caſe the ſame ſhall be requiſite), in Manner by this Act directed and required, for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments reſpectively (or before ſuch Payment or Tender, or Security given, by Leave of the Owners and Occupiers thereof) and then and thereupon ſuch Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid Company of Proprietors to and for the Purpoſes of this Act for ever, and ſuch Tender, Payment, Inveſtment, or Depoſit, or the giving of ſuch Security for the ſame as aforeſaid, ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever intereſted therein: Provided nevertheleſs, that before ſuch Payment, Tender, Inveſtment, Depoſit, or Security as aforeſaid, ſhall be made, it ſhall not be lawful for the ſaid Company of Proprietors, or any Perſon acting under their Authority, to dig or cut the Lands or Grounds of the Perſon or Perſons entitled to ſuch Payment or Security, for the Purpoſe of making the ſaid Waterworks, Reſervoirs, Watercourſes, and Feeders, Aqueducts, or Works, or any of them, without the Conſent of ſuch Perſon or Perſons reſpectively.

Verdicts of the Jury to be recorded by the Clerk of the Peace.

XLVIII. And be it further enacted, That each and every Verdict ſo given ſhall be tranſmitted to and be kept by the Clerk of the Peace or other Perſons having the Cuſtody of the Records of the Quarter Seſſions for the ſaid Borough, and ſhall be depoſited with and deemed to be Records of ſuch Quarter Seſſions reſpectively to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts

Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of One Shilling and Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

Purchaſe Monies or Compenſations due to Corporate Bodies, Minors, &c. to be laid out to the ſame Uſes, when the ſame ſhall exceed 200l.

XLIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees or Perſons acting as Guardians, Committees, or other Turſtees for and on Behalf of any Lunatics, Idiots, Femes Covert or other *Ceſtuique* Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, for the Purchaſe or Exchange of, or the Damages to be done to any Lands, Tenements, or Hereditaments by virtue of the Powers herein contained, ſhall be paid and applied in Manner following; (that is to ſay), in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, it ſhall, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of "The *Portſea* Iſland Waterworks," to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Redemption or Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Charge or Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the 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, and Hereditaments

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ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe and Settlement were made.

L. Provided always, and be it further enacted, That in caſe the Money ſo payable to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in reſpect whereof the ſame ſhall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or other Perſon or Perſons acting as ſuch as aforeſaid, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-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 Three or more of the ſaid Directors (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where Compenſation is leſs than 20*l.* and exceeds 20*l.*

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

Application where the Money is leſs than 20*l.*

LII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Directors, or any Three or more of them; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Directors, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

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 of Chancery; which said Court of Chancery, 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 same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and 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 of Money, mentioning and specifying for what and for whose Uses the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank as aforesaid.

Subject to the Order of the Court of Chancery on Motion or Petition.

Upon any Question of Title to the Money so to be paid, Persons then in Possession to be deemed entitled thereto.

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

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

LIV. Provided always, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary

Costs

Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Directors, or any Three or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Tenants at Will to deliver Poſſeſſion at Six Months Notice.

LV. And be it further enacted, That every Tenant at Will, or Leſſee for a Year, or any other Perſon or Perſons in Poſſeſſion of any ſuch Lands, Tenements, and Hereditaments, or any Part thereof, which ſhall be purchaſed, occupied, taken, and uſed by virtue of and for the Purpoſes of this Act, and who ſhall have no greater Intereſt in the Premiſes than as Tenants at Will, or Leſſee for a Year, or from Year to Year, ſhall peaceably and quietly deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Six Calendar Months Notice to quit ſuch Poſſeſſion from the ſaid Company of Proprietors, or from the Perſon or Perſons ſo authorized by them to take ſuch Poſſeſſion, and ſuch Perſon or Perſons in Poſſeſſion ſhall at the End of the ſaid Six Calendar Months, whether ſuch Notice be given with Reference to the Time or Times of ſuch Tenants holding or not, or ſo ſoon after as he, ſhe, or they ſhall be required; and in caſe any ſuch Perſon or Perſons ſo in Poſſeſſion as aforeſaid, ſhall refuſe to give ſuch Poſſeſſion as aforeſaid (all reaſonable Satisfaction being firſt made or tendered), it ſhall be lawful for the Directors of the ſaid Company, or any Three or more of them, to iſſue their Precept or Precepts to the Serjeant or Serjeants at Mace of the ſaid Borough, where the ſaid Premiſes ſhall be ſituate, to deliver Poſſeſſion thereof to ſuch Perſon or Perſons as ſhall in ſuch Precept or Precepts be nominated to receive the ſame, and the ſaid Serjeant or Serjeants at Mace is and are hereby required to deliver Poſſeſſion of the ſaid Premiſes accordingly, and to levy ſuch Coſts as ſhall accrue from the iſſuing and Execution of ſuch Precept or Precepts on the Perſon or Perſons ſo refuſing to give Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods.

Mortgagees to convey.

LVI. And be it further enacted, That all and every Perſon and Perſons who ſhall have any Mortgage or Mortgages on ſuch Lands, Tenements, and Hereditaments, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall on the Tender of the Principal Money and Intereſt due thereon, together with the Amount of Six Calendar Months Intereſt on the ſaid Principal Money by the ſaid Company of Proprietors, or by ſuch Perſon or Perſons as they ſhall appoint, immediately convey, aſſign, and transfer ſuch Mortgage or Mortgages to the ſaid Company, or to ſuch Perſon or Perſons as they ſhall appoint, or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing from the ſaid Company of Proprietors, or from ſuch Perſon or Perſons as they ſhall appoint, that they will pay off and diſcharge the Principal Money and Intereſt which ſhall be due on the ſaid Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving ſuch Notice, that then at the End of the ſaid Six Calendar Months, on Payment of the Principal and Intereſt ſo due, ſuch Mortgagee or Mortgagees ſhall convey, aſſign, and transfer his, her, or their Intereſt in the Premiſes to the ſaid Company of Proprietors, or to ſuch

Perſon

Perſon or Perſons as ſhall be appointed, in Truſt for them, and in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to convey and aſſign as aforeſaid, on ſuch Tender or Payment, that then all Intereſt on every ſuch Mortgage ſhall from thenceforth ceaſe and determine: Provided always, that in caſe the Sum due upon any ſuch Mortgage or Mortgages, with all Intereſt due thereon, ſhall amount to more than the real Value of the Premiſes, to be aſcertained as directed by this Act, then the ſaid Company of Proprietors ſhall not be liable to pay the Mortgagee or Mortgagees more than the real Value of ſuch Premiſes, ſo aſcertained as aforeſaid: Provided alſo, that in caſe any ſuch Mortgagee ſhall neglect or refuſe to convey or aſſign as aforeſaid, then upon Payment of the Principal Money and Intereſt due on any Mortgage as aforeſaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving ſuch Notice as aforeſaid, for the Uſe of the Mortgagee or Mortgagees, or in caſe of ſuch Principal or Intereſt exceeding the real Value of the Premiſes, upon Payment of ſuch Value, the Caſhier or Caſhiers of the Bank ſhall give a Receipt or Receipts for the ſaid Money, in like Manner as is herein-before directed in Caſes of other Payment into the Bank; and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand of the ſaid Mortgagee or Mortgagees, and of all and every Perſon and Perſons in Truſt for him, her, or them, ſhall veſt in the ſaid Company, and they ſhall be deemed to be in the actual Poſſeſſion of the Premiſes compriſed in ſuch Mortgage or Mortgages, to all Intents and Purpoſes whatſoever: Provided always, that nothing in this Act contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting by or under their Authority, to take, uſe, hinder, or damage, in the making or completing of the ſaid Waterworks, Reſervoirs, Aqueducts, or other Works relating thereto, or any other of the Purpoſes aforeſaid, any Houſe, Bridge, or other Building, which was erected or built at or before the paſſing of this Act, or any Land or Ground which at or before that Time was ſet apart and uſed as or for a Yard, Park, Paddock, Garden, planted Walk or Avenue to a Houſe, without the Conſent of the Owner or Owners thereof for the Time being.

Houſes, Gardens, &c. not to be injured.

Reſpecting the Supply of Water, Perſons agreeing with the Company may lay Pipes to communicate with the Company's Mains.

LVII. And be it further enacted, That ſuch of the Inhabitants of the ſaid Borough, and of the ſeveral Towns and Pariſhes aforeſaid, and all ſuch other Perſons as ſhall be deſirous of having Water from the ſaid Waterworks laid into their Houſes, Buildings, or other Premiſes, may and are hereby authorized and empowered, at their own Expence, having firſt obtained the Conſent in Writing under the Hand of ſuch Perſon as ſhall be authorized by the ſaid Company of Proprietors or their Directors to give ſuch Conſent, 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, and to lay any Leaden or other Pipe or Pipes (the Bore thereof to be aſcertained by the ſaid Company of Proprietors) from ſuch reſpective Houſes, Buildings, or other Premiſes to communicate with the ſaid Aqueducts or Main Pipes, ſuch reſpective Inhabitants paying to the ſaid Company of Proprietors Yearly, Quarterly, or Monthly, ſuch Rate or Rates or Sum or Sums of Money for ſuch Water as

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ſhall be mutually agreed upon between them; and in caſe of Default in Payment of any ſuch Rate or Rates, Sum or Sums of Money ſo to be paid as aforeſaid, 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 and 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 Houſe, Buildings, and other Premiſes of every Perſon making ſuch Default; and that 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, in the ſame Manner as Rents reſerved on common Demiſes may by Law be recovered; and if any Perſon ſhall lay or cauſe to be laid any Leaden or other Pipes to communicate with any ſuch Aqueduct or Main Pipe belonging to the ſaid Company of Proprietors, without ſuch Conſent being obtained as aforeſaid, every ſuch Perſon ſhall forfeit and pay to the ſaid Company of Proprietors and their Succeſſors, any Sum not exceeding Twenty Shillings for every Day ſuch Pipe ſhall ſo remain: Provided always, that all and every Perſon and Perſons who ſhall have laid any Leaden Pipe or Pipes as aforeſaid ſhall be at Liberty to remove and take away ſuch Pipe and Pipes, and the Cock or Cocks to ſuch Pipe or Pipes belonging.

No Pipes, &c. to be laid through Ground belonging to the Ordnance or Navy, or Victualling, without Conſent.

LVIII. And be it further enacted, That no Reſervoir, Pipes, or other Works hereby authorized, ſhall be made, laid, or erected, nor ſhall any Stones, Sand, Gravel, or other Materials, for the Purpoſes of this Act, be ſearched for, got, gathered, or taken away, in, upon, through, over, from, or out of any Land or Ground belonging to His Majeſty, appropriated to the Fortifications of the ſaid Towns, or under the Directions of the Departments of His Majeſty's Ordnance, Navy, or Victualling, at *Portſmouth* or *Portſea* aforeſaid, without the Conſent of Three or more of the Members of His Majeſty's Boards of Ordnance, Navy, or Victualling reſpectively, for the Time being, ſignified in Writing under their reſpective Hands.

When Ground is broken up for laying Pipes, it is to be filled in again as ſoon as poſſible, and to be fenced in the mean Time, to prevent Accidents.

LIX. Provided always, and be it enacted, That when and as often as any Ground, Road, or Pavement ſhall or may be opened or broken up, either by the ſaid Company of Proprietors, or by any other Perſon or Perſons, for laying, taking up, or repairing any Aqueduct or Main Pipe, or communicating Pipe, by virtue of this Act, then and in every ſuch Caſe the ſaid Company of Proprietors, or other Perſons reſpectively, ſhall, at their own Expence, fill or cauſe to be filled in the Ground, and alſo, with all convenient Speed, cauſe the ſaid Road and Pavements to be repaired and made good, and the Rubbiſh occaſioned by the opening or breaking up the ſame to be carried away, and in the mean Time ſhall cauſe the Place where any Ground or Pavement ſhall be opened, to be fenced or guarded, and ſet up and maintain a ſufficient Light upon or againſt the ſame every Night, and during the whole Night, from the Time it becomes dark until the Return of Light, ſo that the ſame may not be dangerous to Paſſengers, Cattle, or Carriages: Provided always, that if there ſhall be any wilful or negligent Delay in the ſaid Company of

of Proprietors, or in any of the Agents or Servants of the ſaid Company of Proprietors, or in any ſuch other Perſon or Perſons, in taking up or repairing any of the ſaid Aqueducts or Main Pipes, or any of the ſaid Communication Pipes, or in filling in ſuch Ground, or in fencing in, or guarding or lighting the Place where any Ground or Pavement ſhall be opened or broken up as aforeſaid, or in repairing or making good any Road or Pavement ſo opened or broken up, or in removing the Rubbiſh occaſioned by opening or breaking up any Road or Pavement as aforeſaid, then and in every ſuch Caſe the ſaid Company of Proprietors, or ſuch other Perſons ſo offending reſpectively, ſhall forfeit and pay any Sum not exceeding Five Pounds, to be ſued for, recovered, paid and applied by ſuch Ways and in ſuch Manner as any Fine, Forfeiture, or Penalty for any Damage or Injury done to ſuch Road or Pavement is appointed to be ſued for, recovered, paid, and applied under and by virtue of the Act or Acts for paving the Place or Places where the ſame ſhall reſpectively be, or may be ſued for and recovered by the Treaſurer for the Time being under the ſaid reſpective Acts, by Action of Debt in any of His Majeſty's Courts of Record: Provided always, that if it ſhall be required by the reſpective Commiſſioners or Truſtees for putting in Execution the Acts for paving the ſaid Towns reſpectively, that the Roads or Pavement to be opened or broken up from Time to Time for the Purpoſes of this Act within the ſaid Towns reſpectively, ſhall be opened, broken up, repaired, and made good by the Perſon or Perſons who ſhall be then under any Contract with ſuch Commiſſioners or Truſtees for paving ſuch Town, or repairing the Pavement thereof, or of any Part thereof, the ſame ſhall be opened, broken up, repaired, and made good by ſuch Perſon or Perſons, and the Expences thereof ſhall be defrayed by the ſaid Company of Proprietors out of the Funds of the ſame; or where the Expences are, by virtue of the Proviſions herein-before contained, to be defrayed by any Individual or Individuals, then by ſuch Individual or Individuals; and the ſame ſhall and may be ſued for and recovered by ſuch Perſon or Perſons opening or repairing the ſaid Roads or Pavements, by Action of Debt in any of His Majeſty's Courts of Record, wherein it ſhall be ſufficient to declare that the Defendants are indebted to the Plaintiff in ſo much Money for Work and Labour done and performed by the Plaintiff for the Defendants: Provided nevertheleſs, that the ſaid Company of Proprietors ſhall not be required to employ the Perſon or Perſons ſo contracting with the ſaid Commiſſioners or Truſtees, in caſe ſuch Perſon or Perſons ſhall demand a higher Price for the Work to be ſo performed than according to the Rates ſpecified in the Contract with the ſaid Commiſſioners or Truſtees; and provided alſo, that where any ſuch Work ſhall be neceſſary on account of the burſting of any Pipe, ſuch Perſon or Perſons ſhall ſet about the ſame within Twenty-four Hours next after Notice given to him or them by the Agent for the ſaid Company, and proceed in it without Delay, on pain of forfeiting for every Offence contrary thereto the Sum of Forty Shillings: Provided alſo, that no Part of the Pavements of the ſaid Towns, or either of them, ſhall be broken up, except where a Pipe ſhall burſt, until Two Days Notice ſhall have been given by the Clerk of the Company, or other Perſon duly authorized, to the Surveyor of the Commiſſioners or Truſtees for paving the reſpective Places within which it ſhall be neceſſary to break up ſuch Pavement, or in caſe

of

of bursting a Pipe, until Twenty Hours Notice shall have been given as aforesaid, on pain that every Person breaking up such Pavement before such Notice shall have been given, or the Time mentioned therein shall have expired, shall for every Offence forfeit and pay the Sum of Forty Shillings.

Course of Public Sewers not to be altered.

LX. Provided always, and be it enacted, That the Course and Direction of the present or any future Public Sewer or Drain shall not be altered or changed, nor shall they be interfered with, without Six Days Notice in Writing to the Clerk for the Time being of the Commissioners or Trustees for putting in Execution the Acts for paving the said Towns of *Portsmouth* and *Portsea* respectively, or left at his Dwelling house; and that the Company of Proprietors shall replace and make good such Sewers and Drains as soon as conveniently may be.

For preventing Injury being done to Turnpike Roads.

LXI. Provided always, and it is hereby further enacted, That whenever it shall be found necessary by such Proprietors, their Agents, or Workmen, to lay down Pipes in, upon, or under any Part of any Turnpike Road, such Pipes shall be laid down on the Sides of the said Roads only, and as near the Foot-path as can be, unless in such Cases where the Intervention of a Common Sewer, or other unavoidable Hindrance or Obstruction shall make a Deviation necessary; and in case any such Pipes shall be laid down otherwise than as aforesaid, or in case any such Pipe or Pipes shall happen to break, burst, or decay, the Surveyor or Surveyors to the Trustees appointed for executing any Act or Acts of Parliament for the Repair of such Roads respectively, shall give Notice to the said Proprietors, or their Agent or Agents, to take up and remove or repair the same, and in case they shall neglect or refuse, for the Space of Twenty-four Hours after such Notice, to take up and remove or repair such Pipes, then and in every such Case the said Company of Proprietors shall forfeit and pay to the said Trustees the Sum of Five Pounds, and the like Sum of Five Pounds, upon a like Neglect or Refusal, after every subsequent Notice, until the same shall be taken up and removed; and whenever it shall be found necessary by such Proprietors, their Agents or Workmen, to open the Ground in or under any Part of the said Roads, for the Purpose of amending or laying their Water Pipes or Plugs, or for any other Purpose, the same shall be done within the Space of Two Days, and the Ground filled and rammed in, and the Road made good; and in case the said Company of Proprietors, their Agents or Workmen, shall neglect or refuse, by the Space of Twenty-four Hours next after such Pipes shall have been laid down or repaired as aforesaid, to fill and ram in the Ground and make good the Road in Manner aforesaid, the Surveyor or Surveyors to such Trustees respectively is and are hereby empowered to cause the same to be done, and the Expence thereof shall be paid by the said Company of Proprietors to the said Trustees or their Treasurer for the Time being, and in the mean Time such Agent or Workmen so opening the Ground shall secure the respective Parts in such Manner as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages, upon pain of forfeiting any Sum not exceeding Forty Shillings, nor less than Ten Shillings, for every Hour that the Ground shall remain open, or not secured in Manner aforesaid; and

whenever

whenever it ſhall happen that by the burſting, breaking, or running of any ſuch Pipes or Plugs the Water ſhall overflow any Part of the ſaid Road, ſo as to occaſion any Damage or Inconvenience to Paſſengers, Cattle, or Carriages, or Injury to the Road, then in caſe the ſaid Proprietors, their Agent or Agents, ſhall after Twelve Hours Notice thereof, neglect to do what ſhall be neceſſary to remedy the Danger and Inconvenience ariſing therefrom, it ſhall be lawful for the Surveyor and Surveyors of the ſaid Roads reſpectively to do what he or they ſhall judge requiſite to drain off the Water, and to prevent any Danger or Inconvenience therefrom in future, the Expence whereof ſhall be reimburſed to ſuch Surveyor or Surveyors by the ſaid Company; all which reſpective Forfeitures and Sums ſhall and may from Time to Time be recovered of and from the Treaſurer, Clerk, or Agent to the ſaid Company of Proprietors, in ſuch Manner as other Penalties and Forfeitures are by this Act to be recovered, and when ſo recovered, ſhall from Time to Time be paid to the ſaid Truſtees reſpectively, or their Treaſurer or Treaſurers for the Time being, and ſhall be applied for and towards amending the ſaid Roads reſpectively.

For preſerving the Water clean and wholeſome.

LXII. And be it further enacted, That if any Perſon ſhall bathe in any Reſervoir, Aqueduct, Water-way, Feeder, or Pond, being the Property of the ſaid Company of Proprietors, made, maintained, or ſupported by virtue of this Act, or waſh any Dog or other Animal therein, or put, throw, or caſt any Dog, Cat, or other Animal, alive or dead, or any Part or Limb, Parts or Limbs of any dead Animal, or any Filth, Dirt, or other noiſome or offenſive Thing, or waſh or clean any Cloaths or Linen, or Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animal, or any noiſome or offenſive Thing, in or into any ſuch Reſervoir or Aqueducts, Water-way, Feeder, or Pond, or cauſe or ſuffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any ſuch Reſervoir, Aqueduct, Water-way, Feeder, or Pond, or cauſe any other Annoyance to be done to the Water contained in any ſuch Reſervoir, Aqueduct, Water-way, Feeder, or Pond, then and in each and every ſuch Caſe every ſuch Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

For hindering Perſons ſupplied from ſupplying others, and for puniſhing Perſons for wilfully letting off the Water.

LXIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall take or uſe, or cauſe, permit, or ſuffer to be taken or uſed, any Water from or out of any Reſervoir, Aqueduct, or Pipe which ſhall be made or laid by virtue of this Act, without the previous Conſent of the ſaid Company of Proprietors; or if any Perſon or Perſons ſupplied with Water by virtue of this Act, ſhall, without the previous Conſent of the ſaid Company of Proprietors, ſupply any other Perſon with any Part of ſuch Water; or if any Perſon or Perſons, having the Key of any Conduit or upright Pipe, ſhall permit or ſuffer any other Perſon or Perſons, to have or uſe the ſame, or ſhall ſupply any other Perſon or Perſons by Means thereof, without the previous Conſent of the ſaid Company of Proprietors; or if any Perſon or Perſons ſhall wilfully let off or cauſe to run to waſte any Water from any Conduit, Aqueduct, or Pipe belonging to the ſaid Water-works, then and in every ſuch Caſe every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay to the ſaid Company of Proprietors any Sum not exceeding Ten Pounds; and it ſhall and may be

be lawful to and for the ſaid Company of Proprietors, if they ſhall ſo think fit, to take or cut off the Water ſo ſupplied by the ſaid Company of Proprietors, from the Houſe, Building, or other Premiſes of the Perſon or Perſons ſo offending.

Except in certain Caſes.

LXIV. Provided nevertheleſs, and be it 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, to any Penalty or Forfeiture for ſupplying any Perſon or Perſons whomſoever, with any Quantity of ſuch Water in caſe of Fire, or for ſupplying any Perſon actually ſupplied with Water by the ſaid Company, during any Time that the Pipe or Pipes, Cock or Cocks belonging to ſuch Perſon or Perſons ſhall or may happen to be out of Repair, ſuch Pipe or Pipes, Cock or Cocks, nevertheleſs, being repaired as ſoon as may be after any Damage ſhall happen thereto.

For enabling the Company to enter Premiſes to ſee that there is no Waſte of Water.

LXV. And be it further enacted, That it ſhall and may be lawful to and for an Engineer, or any other Perſon or Perſons acting by or under the Authority of the ſaid Company of Proprietors, or of their Directors, at all ſeaſonable Times in the Day-time, upon giving Twenty-four Hours previous Notice of their Intention, to enter into any Houſe, Building, or other Premiſes ſupplied with Water by the ſaid Company of Proprietors, in order to inſpect and examine if there be any Waſte, undue Diverſion, or improper Appropriation of the Water ſo ſupplied by the ſaid Company of Proprietors; and if ſuch Engineer, or other Perſon acting by or under the Authority of the ſaid Company of Proprietors or their Directors, ſhall at any ſuch Time or Times be refuſed Admittance or Entrance into any ſuch Dwelling-houſe, Building, or other Premiſes, for the Purpoſe of making ſuch Inſpection and Examination as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors to cut and turn off, or cauſe to be cut and turned off, the Water ſupplied by the ſaid Company of Proprietors from ſuch Houſe, Building, or other Premiſes, and to keep the ſame ſo turned off until the Occupier or Occupiers of ſuch Houſe, Building, or other Premiſes, ſhall permit and ſuffer ſuch Engineer, or other Perſon or Perſons, to enter and inſpect and examine in Manner and for the Purpoſes aforeſaid.

Ciſterns to be provided.

LXVI. And, to prevent as much as poſſible, the wilful and negligent Waſte of Water; be it further enacted, That each and every Perſon ſupplied with Water by the ſaid Company of Proprietors, ſhall, and he, ſhe, and they is and are hereby required, to provide a proper Ciſtern or Ciſterns of Lead, Stone, Brick, Wood, or other Materials, to receive and hold ſuch Quantity of Water as ſhall be by them or him deemed ſufficient for his, her, or their Conſumption, and he, ſhe and they is and are hereby required to provide a Ball and Stop-cock, and to affix or cauſe to be affixed the ſame to the Pipe conducting the Water from the Main or Service Pipe belonging to the ſaid Company of Proprietors, to ſuch Ciſtern or Ciſterns, for the Purpoſe of preventing the Water running into ſuch Ciſtern or Ciſterns from running to Waſte when the ſame ſhall be full; and in caſe any Perſon or Perſons ſupplied with Water by the ſaid Company of Proprietors ſhall neglect to provide ſuch Ciſtern or Ciſterns, and alſo a Ball

and Stop-cock, and to affix or cauſe to be affixed the ſame in Manner aforeſaid, for the Purpoſe of preventing the Water from running to Waſte when ſuch Ciſtern or Ciſterns ſhall be filled as aforeſaid, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or to and for their Directors, or any Perſon or Perſons acting by virtue of or under Authority of the ſaid Company of Proprietors or their Directors, to cut and turn off the Water by ſuch Ways and Means as to him or them ſhall ſeem right or proper, from the Houſe, Building, or other Premiſes of every ſuch Perſon, until ſuch Ciſtern or Ciſterns, and Ball or Stop-cock ſhall be provided, and ſuch Ball or Stop-cock affixed in Manner aforeſaid.

Penalty on Perſons opening the Locks, or doing other Damage to the Waterworks.

LXVII. And be it further enacted, That if any Perſon ſhall throw any Gravel, Stones, or Rubbiſh, into any Part of the ſaid Waterworks, Reſervoirs, Aqueducts, Trenches, Watercourſes, or Feeders, to be made by virtue of this Act, or ſhall wantonly or unneceſſarily open or cauſe to be opened any Lock, Gate, Paddle, Valve, or Clough, belonging to the ſaid Waterworks; or if any Perſon or Perſons ſhall wilfully flush or draw off, or cauſe to be flushed or drawn off the Water from any Part of the ſaid Waterworks, or ſhall leave any of the ſaid Valves or Cloughs open and running belonging to the ſame, or ſhall draw or cauſe to be drawn any Paddle, Valve, or Clough in any of the Locks, Stop, or Clew-gates on the ſaid Waterworks, ſo as to miſpend or waſte the Water thereof, its Courſes or Feeders, or ſhall wilfully obſtruct, hinder, or prevent any Perſon in the Execution of this Act, every Perſon offending in any of the Caſes aforeſaid ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds.

Penalty on deſtroying Works.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall knowingly, wilfully, or maliciouſly break, throw down, damage, or deſtroy any Banks or other Works erected, made, or maintained by virtue of this Act, then and in every ſuch Caſe every ſuch Perſon ſhall be judged guilty of Felony, and the Court by and before whom ſuch Perſon or Perſons ſhall be tried and convicted ſhall have Power and Authority to cauſe ſuch Perſon or Perſons to be tranſported for the Term of Seven Years, or ſuch Court may award any other Sentence as the Law directs in Caſes of Petit Larceny.

Saving the Rights of the Lords of certain Manors.

LXIX. Provided always, and be it further enacted, That nothing contained in this Act ſhall extend or be conſtrued to extend to leſſen, prejudice, take away, or defeat any Right, Title, or Intereſt, of any Perſon or Perſons claiming to be the Lords of any Manors within the ſaid County of *Southampton*, or their or any of their ſeveral Tenants of the ſame Manors, or any of them reſpectively, but that ſuch Lords or Lord, and every of them for the Time being, ſhall and may for ever hereafter hold and enjoy all Waſtes, Waſte Grounds, Fiſheries, Streams, Rights of Soil in the ſame, and in all Highways, Roads, Paths, Streets, and other public Places, and other Privileges and Franchiſes whatſoever, appertaining or incident to ſuch ſeveral Manors, or any of them, or lawfully granted with the ſame or any of them, or with any Part thereof reſpectively; and that all Tenants of the ſame Manors, and every of them, ſhall and may hold and enjoy all Rights and Privileges to them or any of them reſpectively belonging, in as ample

ample and beneficial Manner, to all Intents and Purposes, as if this Act had never been made.

Saving the Powers of the Portsmouth and Portsea Paving Trustees, &c.

LXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, lessen, or take away the Powers and Authority of the respective Trustees for putting in Execution any Act or Acts of Parliament for paving the said Towns of *Portsmouth* and *Portsea*, or either of them, over the Pavements or Roads within the same respectively, but that such Trustees shall and may have and exercise the same Power and Authority in, over, and upon the respective Roads and Pavements within the same, as if this Act had not been made, save only that they shall not prevent the same from being, from Time to Time, taken up for the Purpose of laying or repairing Pipes thereunder, for the Purposes of this Act: Provided also, that nothing in this Act contained shall be construed to take away from or restrain the Commissioners of Sewers, or Justices of the Peace, in the Execution of any of their Authorities, Powers, or Proceedings, but that they may act and proceed, in all Cases, as they might lawfully have done before the passing of this Act; any Thing herein contained to the contrary thereof notwithstanding.

Fines and Forfeitures, how to be recovered and applied.

LXXI. And be it further enacted, That all Fines, Penalties, and Forfeitures, imposed or inflicted by this Act, or which shall be imposed or inflicted by any Rule, Order, or Bye-Law to be made in pursuance thereof, the Manner of levying and Recovery whereof is not particularly herein directed, shall in case of Non-payment thereof, on Conviction of the Offender or Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, Town Corporate, or Place wherein the Offence shall be committed, or the Offender shall be or reside, or such Goods and Chattels shall be, which Warrant such Justice is hereby empowered and required to issue upon the Confession of the Party or Parties, or upon the Evidence of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer); and all Fines, Forfeitures, and Penalties (the Application whereof is not herein particularly directed) shall be paid into the Hands of the Treasurer of the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company of Proprietors, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties or Forfeitures, and the Expence of such Distress and Sale shall be rendered to the Owner of the Goods and Chattels so distrained; and for want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Term not exceeding Four Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXXII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this

Act, or againſt any Bye Law, Rule, Order, or Regulation, made in purſuance of this Act, the Form of the Conviction ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Conviction.

'BE it remembered, That on this Day of in the Year of the Reign of *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the of having [*as the Offence ſhall be*] and I [*or*, we] the ſaid do adjudge him [her, *or*, them] to forfeit and pay for the ſame the Sum of Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforeſaid.'

Allowing an Appeal.

LXXIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Order of Judgement made in purſuance of any Rule, Bye Law, or Order of the ſaid Company of Proprietors or Directors, or by any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in every ſuch Caſe ſuch Perſon or Perſons may, within Six Calendar Months next after ſuch Order, Judgement, or Determination, ſhall have been made or given, appeal to the Juſtices of the Peace at the General or Quarter Seſſions of the Peace to be holden in and for the County, City, Town Corporate, or Place, in which the Cauſe of Appeal ſhall ariſe (firſt giving Fourteen Days Notice of ſuch Appeal to the Perſon or Perſons appealed againſt, and of the Nature and Matter thereof, and within Three Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, City, Borough, or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order and Award of the ſaid Court thereon); and the ſaid Juſtices ſhall, in a ſummary Way, either hear or determine the ſaid Appeal at ſuch General or Quarter Seſſions, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Seſſions of the Peace to be holden for ſuch City, Town Corporate, or Place; and the ſaid Juſtices may make ſuch Determination in ſuch Appeal, and award ſuch Coſts to either of the Parties as they ſhall judge proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate ſuch Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, Judgement, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable.

Proceedings not to be quaſhed or removed by Certiorari.

LXXIV. And be it further enacted, That no Order, Verdict, Judgement, Conviction, or other Proceedings, touching or concerning any of the Matters aforeſaid, or touching or concerning any Offence againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Diſtreſſes not unlawful for Want of Form.

LXXV. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the

ſame

ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage, in an Action upon the Caſe.

Plaintiffs not to recover without Notice, or after Tender of Amends.

LXXVI. Provided always, and be it enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action, ſhall have been given to the Defendant or Defendants, or left at his, her, or their laſt or uſual Place of Abode, or if the Company ſhall be Defendant, to their Clerk, or left at his uſual Place of Abode Twenty-one Days before ſuch Action ſhall be commenced; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action if Tender of ſufficient Amends ſhall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Actions ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgement, ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXVII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt the ſaid Company, or any Perſon or Perſons, for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall or may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall have been brought before the Expiration of Twenty-one Days next after ſuch Notice ſhall have been given as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time ſo limited for bringing the ſame, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe, Judgement ſhall

be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Double Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Publick Act.

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

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