ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

****

Cap. 32.

An Act to amend and render more effectual an Act made in the Twentieth Year of the Reign of His late Majeſty, for repairing, improving, and maintaining, the Public Conduits and other Waterworks belonging to the Town of *Southampton*.

[17th *May* 1803.]

WHEREAS an Act was paſſed in the Twentieth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing, improving, and maintaining the Public Conduits and other Waterworks belonging to the Town of* Southampton: And whereas the Powers and Proviſions of the ſaid Act and the Money raiſed under the ſame have, by Experience, been found wholly inadequate and inſufficient for the Purpoſes intended by the ſaid Act; and it is therefore become neceſſary for the more effectually ſupplying the ſaid Town with Water, that the ſaid Act ſhould be amended, and further and other Powers and Proviſions granted and made for the Purpoſe of ſecuring to the Inhabitants of the ſaid Town and Shipping reſorting to the Port of the ſaid Town, a more abundant Supply of Water; and alſo for the more effectual Prevention and extinguiſhing of Fires, and providing Fire Engines and Fire Men within the ſaid Town; and that the Money neceſſary for the Purpoſes aforeſaid ſhould be raiſed by an equal and more adequate Aſſeſſment: 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 from and after the Second *Wedneſday* after paſſing this Act ſo much of the ſaid recited Act as relates to the Appointment, Quali-

Act 20 Geo 2.

Appointment and Election of Commiſſioners repealed.

Qualification, Election, and Meetings of the Commissioners of Waterworks within the said Town, and to the Nomination and Appointment of Treasurer, Clerk, Assessors, and other Officers; and also as to the making, raising, levying, and collecting, any Rate or Assessment for the Purposes of the said Act shall be, and the same is hereby repealed.

New Appointment of Commissioners.

II. And be it further enacted, That from and after the said Second *Wednesday* after passing this Act the Mayor, Recorder, and other Members of the Common Council of the said Town of *Southampton* for the Time being, together with Twenty-four of the Inhabitants of the said Town, qualified and to be elected as hereinafter mentioned, shall be, and they are hereby appointed Commissioners for the Purposes of this Act, and for carrying into Execution all the Powers and Authorities in and by this Act given and granted; and also the Powers and Authorities of the said recited Act as far as the same are not repealed by this Act, and who shall be called the Commissioners of the Waterworks of the Town of *Southampton*.

Number of Commissioners to be chosen by the Parishes.

III. And be it further enacted, That Six of the said last-mentioned Commissioners shall be chosen by and out of the Inhabitants of the Parish of *Holy Rood*, Six others by and out of the Inhabitants of the Parish of *Saint Michael*, Six others by and out of the Inhabitants of the Parish of *All Saints*, Two others by and out of the Inhabitants of the Parish of *Saint John*, Two others by and out of the Inhabitants of the Parish of *Saint Lawrence*, and the remaining Two by and out of the Inhabitants of the Parish of *Saint Mary*; and no Person shall be eligible as or be elected a Commissioner, unless he shall be rated and pay towards the Relief of the Poor of the Parish in which he shall be chosen, and unless he shall be so rated and pay to the Relief of the Poor in respect of some Estate in some one or more of the Parishes aforesaid, valued in such Rate at Twenty-five Pounds *per Annum* or upwards.

Mode of Election.

IV. And be it further enacted, That on the said Second *Wednesday* after passing this Act, between the Hours of Ten in the Morning and Two in the Afternoon, the respective Churchwardens and Overseers of the several Parishes aforesaid for the Time being, and also such of the respective Inhabitants of the said Parishes as shall be rated and pay towards the Relief of the Poor of the said Parishes respectively, shall meet in the Vestry or other Room of their respective Parishes, where parochial or public Business is usually transacted; and the said Churchwardens, Overseers, and Inhabitants, or such of them as shall then be there present, or in case of the Absence of the Churchwardens and Overseers, the Inhabitants then present shall then and there, by the Majority of the Votes of the said Persons present, nominate, chuse, and appoint the respective Numbers hereinbefore mentioned, of the most discreet Inhabitants of the same Parishes respectively (qualified as aforesaid) to be Commissioners of the Waterworks of the said Town; and in case of an Equality of Voices, then One of the said Persons to be decided by Ballot shall have the casting Vote; and One Half of such Commissioners chosen in each Parish shall remain Commissioners for the Period of Three Years next after such Election, and at the Expiration of that Term shall go out by Ballot, and a like Number shall be elected in each Parish, Commissioners in their Stead, in Manner hereinbefore described; and the remaining Half of the said Commissioners shall continue Commissioners for the Period of

Six

Six Years, and at the Expiration of the ſaid Six Years ſhall go out, and a like Number ſhall be elected in each Pariſh in their Stead; and all ſuch Commiſſioners choſen in the Stead of others going out ſhall remain Commiſſioners for Six Years, and from thence until others ſhall be elected in their Room, and ſuch Elections ſhall take place at the Expiration of the ſaid Terms reſpectively, on the *Eaſter Tueſday* in the Year, when ſuch Terms ſhall expire; and in caſe any Perſon ſo elected ſhall die or remove, or hold any Office or Contract under the ſaid Commiſſioners, or ceaſe to be an Inhabitant of the ſaid Town, or become diſqualified by reaſon of his ceaſing to poſſeſs or occupy ſuch Eſtate of the Value aforeſaid before the Expiration of the Period for which he ſhall have been appointed a Commiſſioner as aforeſaid, then it ſhall be lawful for the ſaid Churchwardens, Overſeers, and Inhabitants of the Pariſh for which ſuch Perſon was a Commiſſioner, and they are hereby required as ſoon after as a convenient Time can be appointed for the Purpoſe, to meet in the Veſtry-Room or other Place as aforeſaid, and elect in Manner aforeſaid ſome other Perſon, being ſuch Inhabitant, to fill ſuch Vacancy, who ſhall thenceforth be a Commiſſioner for the Remainder of the Period for which the Perſon in whoſe Stead he ſhall be ſo elected would have continued a Commiſſioner; and Fourteen Days Notice of every ſuch Meeting at the leaſt ſhall be given in Writing on the Door of the Pariſh Church by the Churchwardens of the Pariſh, and the Names of the Perſons from Time to Time elected ſhall be entered in the Church Books of the reſpective Pariſhes, and ſhall alſo be returned by the reſpective Churchwardens or Overſeers, or ſome or One of them, in Writing under his or their Hand or Hands, to the Clerk of the ſaid Commiſſioners at their Firſt Meeting next after ſuch Election; and the ſaid Churchwardens and Overſeers, or ſome or One of them, ſhall and are hereby required within Three Days after ſuch Election or Elections, to give to the Perſon or Perſons ſo elected, or cauſe to be left at his or their Place or Places of Abode, Notice thereof in Writing, and of the Time and Place of the next Meeting of the Commiſſioners.

Penalty for acting without Qualification.

V. And be it further enacted, That every Perſon not qualified as aforeſaid who ſhall preſume to act as a Commiſſioner as aforeſaid, ſhall forfeit and pay for every Time he ſhall ſo act, the Sum of Fifty Pounds 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 wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, and the Perſon ſo ſued ſhall prove that he was ſo qualified at the Time he acted, or otherwiſe ſhall forfeit and pay the ſaid Penalty without any other Proof or Evidence on the Part of the Proſecutor than that ſuch Perſon acted as ſuch Commiſſioner.

Officers (except Treaſurer) or Contractors not to act as Commiſſioners.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act during the Time he ſhall hold any Office under the ſaid Commiſſioners (except the Office of Treaſurer), or during ſuch Time as he ſhall enter into or be engaged in, or have the Benefit of any Contract, or any Share or Intereſt in any Contract whatſoever relating to the Execution of any of the Powers of this Act or of the ſaid recited Act.

VII. And

Commissioners before they act to take an Oath.

VII. And be it further enacted, That no Person or Persons shall be capable of acting as a Commissioner, or taking upon him or themselves the Execution of any of the Powers and Authorities given them by this Act, (save and except the Power of administering one to another the Oath hereinafter directed and prescribed) until he and they shall have severally taken and subscribed the same, *viz.*

"I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as a Commissioner appointed in pursuance of an Act of Parliament made in the Forty-third Year of the Reign of King *George* the Third, intitled *(here set forth the Title of the Act)* and that without Favour or Affection, Prejudice or Malice.

"So help me GOD."

Which Oath the said Commissioners, or any Two or more of them, at the First or any subsequent Meeting to be held in pursuance of this Act, are hereby empowered and required to administer.

Meetings of Commissioners.

VIII. And be it further enacted, That the said Commissioners, or any Seven or more of them, are hereby authorised and required to meet at the Audit House within the said Town, if the Consent of the Mayor for the Time being is first had and obtained for that Purpose, or if such Consent is not given, then at some other Place within the said Town, on the *Monday* Fortnight next after the Day of passing this Act, and proceed to the Execution of this Act, and then and there from Time to Time afterwards to adjourn themselves and meet at the Audit House or other Place as often as they or any Seven or more of them shall think necessary and proper for the due Execution of this Act and the said recited Act; and at every such Meeting the Mayor for the Time being, if present, or in his Absence the last preceding Mayor, if present, shall be President, and in case neither of them shall be present, any One of the said Commissioners, to be decided by Ballot, shall be President, and in case of an Equality of Voices, such President shall have the Casting Vote.

Power of Adjournment.

IX. Provided always, That Two Commissioners shall be sufficient for the Purpose of Adjournment only; and in case Two Commissioners shall not meet, then the Clerk to the Commissioners shall adjourn such Meeting: Provided also, That no Adjournment shall be made for a longer Space of Time than Fourteen Days; and if it shall happen at such First or any subsequent Meeting a sufficient Number of Commissioners shall not meet, or if no Adjournment shall be made of any such Meeting, or any Adjournment shall be made for a longer Space of Time than Fourteen Days, the said Commissioners, or any Five or more of them, may, by Public Notice in Writing under their Hands, to be affixed upon the Public Market Place or Town Hall within the said Town, and on the Doors of the several Parish Churches in the said Town, appoint a Meeting at the usual Place at any Time not less than Three Days, or more than Six Days next after such Notices shall be given as aforesaid; and the said Commissioners, or any Seven or more of them, shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed,

ceed in the Execution of this Act and the said recited Act, and also shall and may make such Orders, Rules, and Regulations, as to them, or the Majority of them present at any such Meeting, shall appear necessary for the better and more effectually carrying this Act, and also the said recited Act, into Execution; and the said Commissioners shall at all their Meetings pay their own Charges and Expences. Commissioners to make Orders, &c.

X. And be it further enacted, That the said Commissioners, or any Seven or more of them, assembled at any Meeting, may make any Orders, Rules, or Regulations necessary for the more effectually carrying into Execution the Purposes of this Act; or may vary, alter, or make void any Orders, Rules, or Regulations before made: Provided always, That no Act or Order to be made by the said Commissioners shall be valid unless done or made at a Meeting of the Commissioners to be held in pursuance of this Act; and the said Commissioners, or any Seven or more of them, shall cause to be provided and kept Books wherein the Names of the several Commissioners attending such Meetings, and the Nomination of all Officers and Persons who shall be employed in the Execution of this Act, and all Contracts entered into by the said Commissioners, and all Rules, Orders, and other Proceedings of the said Commissioners at such Meetings shall from Time to Time be fairly written and entered by their Clerk, or by such other Person as the President, at any Meeting in case of the Absence or Disability of the Clerk, shall nominate or appoint; and the President for the Time being, and the Clerk attending such Meeting, or the Person acting for him, shall subscribe their Names at the Foot of the Entry of the Proceedings of every such Meeting; and all such Entries so made and signed shall be deemed Originals, and shall be admitted to be read in Evidence in all Causes, Suits, and Actions touching any Thing done in pursuance of or by the Authority of this Act, or of the said recited Act; and all such Books shall, at every Meeting of the said Commissioners, be open to the Inspection of every Person rated and paying to the Rates which shall be made in pursuance of or by virtue of this Act. Power to vary Orders. Commissioners to keep Books and enter Proceedings. Orders to be signed by the Chairman and Clerk.

XI. Provided also, and be it further enacted, That no Order, Rule, or Regulation made by the said Commissioners shall be altered, varied, or rescinded, unless Ten Days previous Notice of such intended Alteration shall have been given to the Commissioners, nor unless more Commissioners than were consenting to the making such Order, Rule, or Regulation shall be present and consenting to the Alteration, varying, and rescinding such Order. Ten Days Notice to be given of any Alteration to be made in any Order, &c.

XII. And be it further enacted, That the said Commissioners, or any Nine or more of them, shall from Time to Time nominate and appoint a Treasurer and Clerk, and One or more Collector or Collectors of the Monies to be raised by virtue of this Act, and for the Purposes of this Act and of the said recited Act; and also One or more Surveyor or Surveyors, and such other Officer or Officers and Firemen as the said Commissioners, or any Nine or more of them, shall think necessary to employ for any of the Purposes aforesaid; and the said Commissioners, or any Nine or more of them, may remove or displace all or any such Officers and Persons and nominate and appoint others: Provided always, That no such Officer or Person shall be removed or displaced unless Commissioners to appoint Officers, Firemen, &c.

at a Meeting of the said Commissioners, of which Ten Days' Notice in Writing shall have been given to the Clerk of the said Commissioners of the Intention of removing or displacing such Officers or Persons, or left at his usual Place of Abode; and the said Commissioners, or any Nine or more of them, shall, and they are hereby required to take such Security from Time to Time from the said Treasurer and Clerk and Collector or Collectors as the said Commissioners, or any Nine or more of them, shall think proper; and the said Commissioners, or any Nine or more of them, may, and they are hereby empowered out of the Rates to be collected by virtue of this Act, to make such Allowance or Allowances to such Officers or Persons respectively as to the said Commissioners, or any Nine or more of them, shall seem reasonable; and every Officer and other Person so to be appointed shall, under his Hand, at such Time and Times, and in such Manner as the said Commissioners, or any Nine or more of them shall direct, deliver to the said Commissioners, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint, true and perfect Accounts in Writing of all Monies which shall have been by virtue and for the Purposes of this Act paid to and disbursed by him by Order of the said Commissioners, or any Nine or more of them, and for what Purposes, together with the proper Vouchers for such Payments, and shall also at the like Times and in like Manner pay all such Monies as shall remain in his Hands to the said Commissioners, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint; and every Officer and Person accounting as aforesaid shall, upon Oath (which Oath, the Mayor or any other Justice of the Peace of the Town and County of *Southampton*, if present, or the said Commissioners, or any Two or more of them, are and is hereby empowered and required to administer) verify his Account, and if any such Officer shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the same, or the Vouchers relating to the same, and all Books and Papers belonging to the said Commissioners, or relating to the Execution of this Act, or to make Payment as aforesaid, then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the Town and County of *Southampton*, upon Complaint thereof made to him or them by the said Commissioners, or any Nine or more of them, may, and is and are hereby authorized and required, to issue a Summons under his or their Hand and Seal or Hands and Seals, requiring such Officer or Person so refusing or neglecting as aforesaid to appear before him or them, at such Time and Place as shall in such Summons be appointed (which Summons shall be directed to and served by One of the Constables or Beadles of any or either of the Parishes, Wards, or Places within the said Town, by giving it to or leaving it at the House or usual Place of Abode of such Officer or Person), and in case of such Officer or Person appearing or making Default, or not being to be found, the said Justice or Justices shall and may hear and determine the Matter of such Complaint in a Summary Way, and if, upon the Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer), it shall appear to such Justice or Justices that any of the Monies that shall have been collected or raised by virtue

Officers to give Security.

Officers how to be paid.

Officers to account.

Officers misbehaving.

virtue of this Act, or any of the Accounts, Books, Papers, and Documents belonging to the ſaid Commiſſioners, or relating to the Execution of this Act or the ſaid recited Act, ſhall be in the Hands of ſuch Officer or Perſon, ſuch Juſtice or Juſtices may, and is and are hereby authoriſed and required, upon Non-Payment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to be directed to One of the Conſtables or Beadles aforeſaid, to cauſe ſuch Monies to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer and Perſon; and if the Goods and Chattels of ſuch Officer and Perſon ſhall not be ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or in caſe of the Non-Delivery of ſuch Accounts, Books, Papers, and Documents purſuant to the Order of ſuch Juſtice or Juſtices, then and in either of the Caſes aforeſaid, ſuch Juſtice or Juſtices ſhall commit ſuch Offender to the Common Gaol of the Town of *Southampton* until he ſhall make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners or any Nine or more of them, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners or any Nine or more of them are hereby empowered to make, or ſhall have delivered up all ſuch Accounts, Books, Papers, and Documents, or ſhall have conformed to the Order of ſuch Juſtice or Juſtices in that Reſpect.

Water-works veſted in Commiſſioners.

XIII. And be it further enacted, That from the Second *Wedneſday* after paſſing this Act, the Property of and in all the Conduits, Pipes, Water-Houſes, and other Water-Works, of and belonging to the ſaid Town of *Southampton*, or which ſhall or may hereafter belong to the ſame, and all the Materials to the ſame reſpectively belonging, and all Engines, Buckets, Tools, Implements, and Things of whatever Deſcription the ſame may be heretofore or hereafter provided for any of the Purpoſes of this Act; and alſo all Books, Writings, Papers, and Documents relating to the Execution of the ſaid recited Act and this Act, and all the Springs and Water wherewith the ſame ſhall be ſupplied, ſhall be and they are hereby veſted in the ſaid Commiſſioners, and they or any Seven or more of them are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in the Name of their Treaſurer or Clerk for the Time being, or to prefer and proſecute any Bill or Bills of Indictment, as the Caſe ſhall require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away any Part or Parts thereof, or any other Matter or Thing ſo veſted in the ſaid Commiſſioners as aforeſaid, or diſturb them in the Poſſeſſion thereof; and the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to ſell and diſpoſe of all or any Part of the Old Pipes and Materials, or any Engines, Buckets, Tools, Implements, or other Things aforeſaid, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing therefrom ſhall be applied to ſuch and the ſame Purpoſes as the Monies ariſing from the Rates and Aſſeſſments in and by this Act directed to be made are directed to be applied.

Commiſſioners empowered to bring Actions or prefer Indictments.

Commiſſioners may ſell old Materials.

Power to contract.

XIV. And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them may, and they are hereby empowered from Time to Time, as Occaſion ſhall require, to contract with any Perſon or Perſons for the repairing or altering the preſent Water-Works of the

ſaid

ſaid Town, and to agree or contract with any Perſon or Perſons for bringing and conveying into the ſaid Town and Pariſhes, and into the Houſes of the reſpective Inhabitants of the ſame, a further and better Supply of good and wholeſome Water, and for fully and effectually carrying the Purpoſes of the ſaid recited Act and this Act into Effect, provided that no ſuch Contract ſhall be entered into unleſs Ten Days' Notice ſhall have been given in Manner directed for Notices of Meetings of Commiſſioners, of the Intention of the ſaid Commiſſioners to contract for the Purpoſes for which ſuch Contract ſhall be intended to be made, in order that any Perſon or Perſons willing to enter into any ſuch Contract may deliver Propoſals for that Purpoſe.

Water not to be conveyed into Pipes heretofore uſed.

XV. Provided always, and be it further enacted, That nothing in this Act contained ſhall empower the ſaid Commiſſioners, or any Perſon or Perſons contracting with them or acting under them, to carry or convey any Water, Spring, Stream, Brook, or Rivulet whatſoever not heretofore uſed in the Supply of the ſaid Town under the ſaid recited Act, into any Pipe, Conduit, Reſervoir, Pump, or Water-Work, conveying any Water heretofore uſed in the Supply of the ſaid Town, ſo as to cauſe or permit the ſame to be mixed.

New Aſſeſſment.

XVI. And be it further enacted, That the Commiſſioners preſent at the Firſt Meeting held under this Act, and alſo at their Firſt Meeting yearly thereafter to be holden in purſuance of this Act, or the Major Part of them preſent at ſuch Meeting, ſuch Major Part not being leſs than Nine, ſhall make an Aſſeſſment upon all the Occupiers of Meſſuages, Tenements, Houſes, Malthouſes, Brewhouſes, Wharfs, Storehouſes, Stables, Outhouſes, or other Buildings, Vaults, Cellars, Yards, Gardens, or Backſides, or other Tenements whatſoever belonging thereto, within any of the Pariſhes of *Holy Rood*, *Saint Michael*, *All Saints*, *Saint John*, *Saint Lawrence*, and *Saint Mary*, who ſhall be rated and pay to the Poor Rates within the ſaid Town, and alſo on the Owners of all Meſſuages, Tenements, Houſes, Stables, Outhouſes, or other Buildings, Vaults, Cellars, Yards, Gardens, or Backſides, or other Tenements within the ſaid Town of *Southampton*, who ſhall not be rated or aſſeſſed to the Relief of the Poor, by an equal Pound Rate in ſuch a Sum as the ſaid Commiſſioners then preſent or the Major Part of them ſhall direct, not exceeding Six-pence in the Pound, for any One Year of the yearly Value of ſuch Meſſuages, Tenements, Malthouſes, Brewhouſes, Wharfs, Storehouſes, Stables, Outhouſes, and other Buildings, Vaults, Cellars, Yards, Gardens, Backſides, and other Tenements, reſpectively; and the ſaid Commiſſioners or any Nine or more them at any Meeting held in purſuance of this Act, are hereby authorized and empowered, out of the Firſt Monies ariſing from ſuch Rate or Aſſeſſment, to pay the Charges and Expences of procuring and paſſing this Act, and after Payment of ſuch Charges and Expences, to apply the Produce of ſuch Rate in the carrying into Execution the Purpoſes of this Act and the ſaid recited Act into Effect; and alſo to pay and diſcharge any Debt or Debts incurred in the Execution of the ſaid recited Act, that may at the Time of the paſſing this Act remain unpaid; and that all the Monies ariſing from ſuch Rate or Aſſeſſment ſhall from Time to Time be collected or gathered by the Collectors or other Officers appointed for that Purpoſe.

Rate not to exceed Six-pence in the Pound.

XVII. Pro-

If Rate less than Sixpence in the Pound, Commissioners to make up Deficiency.

XVII. Provided always, and be it enacted, That if the Rate assessed in any Year shall have been less than Six-pence in the Pound, and it shall afterwards appear to the said Commissioners that the Produce thereof is not sufficient for the Purposes of the Execution of this Act and the said recited Act, it shall be lawful to and for the said Commissioners, or any Nine or more of them, at any Meeting or Meetings after such First Meeting in such Year as aforesaid, to make a New and Additional Assessment or Assessments for the same Year, so as that the same shall not, together with the former Rate or Rates, amount to more than Six-pence in the Pound of such yearly Value as aforesaid.

Persons omitted to be assessed how to be rated.

XVIII. Provided always, and be it further enacted, That if the said Commissioners, or any Nine or more of them, shall at any Time or Times hereafter, in any Rate or Assessment made by virtue or in pursuance of this Act, neglect or omit to rate and assess any Person or Persons liable to be rated and assessed, or rate and assess any such Person or Persons at less than the full Rate at which he, she, or they ought to have been rated and assessed in such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners, or any Nine or more of them, to rate and assess such Person or Persons so omitted, or who shall have been under-rated, in such Manner as to the said Commissioners or any Nine or more of them shall seem just; and such Addition or Alteration shall be as valid to all Intents and Purposes whatsoever as if the same had made Part of and been inserted in the Original Rate or Assessment, any Statute, Law, Usage, or Custom to the contrary in anywise notwithstanding.

Collectors empowered to levy Rates.

XIX. And be it further enacted, That the Person and Persons to be appointed Collector or Collectors of the said Rate or Assessment is, and are hereby authorized and empowered to collect and levy the same accordingly; and for the better enabling him or them so to do, it shall and may be lawful to and for such Collector or Collectors to execute all such Warrants of Distress as shall be granted from Time to Time by any Justice or Justices of the Peace against any Person or Persons neglecting or refusing to pay the said Rate or Assessment in the same Manner, and as fully and effectually to all Intents and Purposes, as Overseers of the Poor by any Law or Laws now in being can or may execute the same; and the said Collector or Collectors shall, and he and they is and are hereby empowered to make up and render to the said Commissioners at some Public Meeting to be held in pursuance of this Act, as often as thereunto required by the said Commissioners or any Seven or more of them, a full, true, and perfect Account in Writing of all Monies collected or received by him or them, by virtue of this and the said recited Act, and of all Monies rated or assessed and not received, and to verify the same on Oath, which Oath the said Commissioners, or any Two of them, are hereby authorized to administer and to pay over the Money so by him or them collected and received, and remaining in his or their Hand or Hands, to the said Treasurer or Treasurers or such Person or Persons as the said Commissioners or any Seven or more of them shall by Writing under their Hands appoint to receive the same, to be applied to the Purposes of this and the said recited Act; and if the said Collector or Collectors or any or either of them shall refuse or neglect to give in a just Account as aforesaid, or to pay the Monies remaining in his or their Hands in Manner aforesaid, they shall be liable to such Penalties as Overseers of the Poor in like Cases are subject and liable to.

For levying Rates.

XX. And be it further enacted, That all Monies to become due and payable by Virtue of this Act, or any Rate or Rates made for the Purposes of this Act, or of the said recited Act, shall and may be levied by Distress and Sale of the Goods and Chattels of the Offenders or Defaulters, by Warrant, according to the Form or Effect in the Schedule hereunto annexed, under the Hands and Seals of Two or more of His Majesty's Justices of the Peace for the said Town and County, which Warrant such Justices are hereby empowered and required to grant, and that when and as often as any Distress shall by the Authority of this Act be made, for Non-payment of any of the said Rates or Monies hereby directed to be made, or any Part thereof, it shall and may be lawful to and for the Person or Persons making such Distress to raise and levy the reasonable Charges of making and keeping such Distress.

Rates to be levied from Persons quitting Houses or removing out of the Limits.

XXI. And whereas it may happen that many Persons liable to, and who may be rated and assessed for the Purposes of this Act, may, before the Payment of the Sum which may be rated on them respectively, quit and leave their Grounds, Dwelling-Houses, Shops, Ware-Houses, Coach-Houses, Stables, Cellars, Vaults, Buildings, or Tenements, and remove out of the Limits aforesaid, and thereby endeavour to avoid the Payment of the said Rates and Assessments; be it therefore enacted, That when any Person or Persons who hath or have been so rated and assessed, shall quit his or their Ground, House, Shop, Ware-House, Coach-House, Stable, Cellar, Vault, Building, or Tenement, before he, she, or they shall have paid the said Rate or Assessment, and shall afterwards refuse to pay the same when due and demanded by the Collector or Collectors authorized and appointed to receive the same, that then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, or One of them, by Warrant according to the Form or Effect in the Schedule hereunto annexed, under the Hands and Seals of Two of His Majesty's Justices of the Peace for the said Town and County, which Warrant the said Justices are hereby authorised and required to grant; and such Warrant being first backed or countersigned, by some Magistrate of the County, City, or Liberty where the Distress is to be made, which Warrant such Magistrate is hereby required to back or countersign, to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting, and to sell the same, rendering the Overplus (if any be), after having deducted the reasonable Charges and Expences of such Distress and Sale, to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made.

By whom Rates of Lodging Houses are to be paid.

XXII. And whereas there are divers Houses and Tenements within the said Town which are let at small Rents, or are let out in Lodgings or separate Apartments, or ready furnished, by which Means the Payment of the Rate or Assessment for such Houses and Tenements may be evaded; for remedy whereof be it enacted, That where any House or Tenement, or any Part thereof, shall be let out in Lodgings or separate Apartments, or ready furnished, the Landlord or Landlords, Owner or Owners thereof, shall be deemed and taken to be the Occupier or Occupiers of, and shall be rated to and pay the Rates of Assessments in respect of such Houses or Tenements.

XXIII. And

XXIII. And be it further enacted, That in case any of the Monies collected by virtue of this Act shall be lost by Insolvency or otherwise, the said Commissioners, or any Nine or more of them, shall and may make an Additional Rate or Assessment for supplying and making good such Deficiency, together with the Charges occasioned by or in attempting to recover any such Money as aforesaid, which Additional Rate or Assessment shall be made, raised, levied, and recovered, in the same Manner as an Original Rate. If any Deficiency by Insolvency of Collectors, Commissioners to make New Assessment for same.

XXIV. And in order to enable the said Commissioners more speedily and effectually to repair the Fire-Engines, Fire-Crooks, Fire-Buckets, and other Things necessary for the Purposes aforesaid, and also the Conduit-Heads, Conduit-Houses, Pipes, Conduits, Pumps, and other Works, and for fully and effectually executing all the other Purposes of the said recited Act; be it further enacted, That it shall be lawful for the Commissioners, or any Nine or more of them at any Meeting assembled as hereinbefore directed, and they are hereby empowered from Time to Time, as Occasion shall require, to borrow and take up at Interest, any Sum or Sums of Money not exceeding the Sum of Two Thousand Pounds in the Whole, on the Credit of the said Rates and Assessments hereby granted, and by Writing under their Hands and Seals, to mortgage or assign over the said Rates or Assessments to the Person or Persons who shall lend, advance, and pay into the Hands of the Treasurer for the Time being, to and for the Use of the said Commissioners, such Money, his, her, or their Executors, Administrators, or Assigns, as a Security for the Money so to be lent or advanced and paid, together with Interest for the same; and every such Assignment shall be in the Words or to the Effect following, *viz.* Power to borrow Money, on Mortgage of Rates.

"BY virtue of an Act of Parliament made in the Year "of the Reign of King *George* the Third, intituled, *An Act to* "*amend and render more effectual an Act made in the Twentieth Year* "*of the Reign of His late Majesty for repairing, improving, and main-* "*taining the Public Conduits, and other Water-Works belonging to the* "*Town of* Southampton, we Form of Mortgage.

"of the Commissioners of the Water-Works "of the Town of *Southampton*, in Consideration of the Sum of "lent and advanced by *A. B.* of and paid "to *C. D.* the Treasurer to the said Commissioners, do grant and assign "unto the said *A. B.* his Executors, Administrators, and Assigns, such "Proportion of the Rates or Assessments arising by virtue of the said "Acts, or either of them, as the said Sum of "doth or shall bear to the whole Sum which hath been, is, or shall be "borrowed upon the Credit of the said Rates or Assessments, to hold "unto the said *A. B.* his Executors, Administrators, or Assigns, until "the said Sum of with Interest for the same "at and after the Rate of for the Interest of One Hundred "Pounds by the Year (to be paid half-yearly) shall be fully paid and "satisfied. In Witness whereof we, the Commissioners above named, "have hereunto set our Hands and Seals this Day of "in the Year of our Lord

"Witness *E. F.* Clerk to the Commissioners."

And

And every such Assignment shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Power to grant Annuities.

XXV. Provided always, and be it further enacted, That, in case the said Commissioners, or the major Part of them, assembled at any Meeting of the said Commissioners, shall think it advisable to raise all or any Part of the Money to be borrowed for the Purposes of the said recited Act or this Act, by granting any Annuity for Life or Lives, or for a Term or Terms of Years, it shall be lawful for the said Commissioners, or the major Part of them, at any Meeting of the said Commissioners assembled, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant such Annuity or Annuities for Life, or Lives, or Years, to any Person or Persons who shall be of the Age of Fifty Years or upwards, and who shall contribute, advance, and pay into the Hands of the Treasurer for the Time being, to and for the Use of the said Commissioners, any Sum or Sums of Money which shall be agreed on by the said Commissioners, or the major Part of them, for the absolute Purchase of any such Annuity or Annuities for Life or Lives, or for a Term or Terms of Years, such Annuity or Annuities for Life or Lives to be paid and payable during the natural Life or Lives of every such Contributor or Contributors, or the natural Life or Lives of such Person or Persons who shall be nominated by or on the Behalf of such Contributor or Contributors, and either with or without Benefit of Survivorship, as the said Commissioners, or the major Part of them, at any Meeting assembled shall think proper, so that no such Annuity or Annuities do exceed the Rate of Twelve Pounds *per Centum* for a Year; and the Grant of every such Annuity or Annuities shall be in the Words, or to the Effect following; *videlicet*.

Form of Grant.

" WE " of the Commissioners of the Water-Works of the Town of " *Southampton*, under and by virtue of an Act of Parliament made and " passed in the Year of the Reign of King *George* the Third, " intituled, *An Act to amend and render more effectual an Act made in the* " *Twentieth Year of the Reign of His late Majesty, for repairing, improving, and maintaining the Public Conduits and other Water-Works* " *belonging to the Town of* Southampton, in Consideration of the Sum " of paid by *A. B.* of " to *C. D.* the Treasurer to the said Commissioners, do " hereby grant unto the said *A. B.* his Executors, Administrators, " and Assigns, an Annuity or yearly Rent of " out of the Rates or Assessments arising by virtue of the said Acts, or " either of them, such Annuity or yearly Sum of " to be payable and paid at upon the " Day of in every Year to the said *A. B.* or to the said *A. B.* " his Executors, Administrators, or Assigns, during the natural Life of " *C. D.* of or during the Term of Years " to commence and be computed from the Day of the Date of these Presents, (*as the Case shall happen to be*) and the First Payment thereof shall " be made upon the Day of next ensuing the Date " of these Presents. In Witness whereof we the Commissioners above " named have hereunto set our Hands and Seals the Day of " in the Year of our Lord " Witness *E. F.* Clerk to the Commissioners."

And

And every ſuch Grant ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever, from the Execution thereof without Enrolment or Regiſtry in any Court or Place whatever other than in the Books of the ſaid Commiſſioners; and every Annuity ſo to be granted as aforeſaid ſhall be, and is hereby charged upon and ſhall be payable and paid free from all Taxes and Deductions out of the ſaid Rates or Aſſeſſments by this Act granted: Provided nevertheleſs, That no greater Sum in the Whole than Two Thouſand Pounds ſhall be raiſed by Loan or Mortgage, or by the Sale or Grant of any Annuity or Annuities as aforeſaid; and that before any ſuch Money ſhall be borrowed, or Annuity or Annuities granted, Twenty-one Days' Notice ſhall be given by the Clerk to the ſaid Commiſſioners in ſome Newſpaper uſually circulated in the Town of *Southampton*, of the Intention of the Commiſſioners of borrowing ſuch Money or granting ſuch Annuity or Annuities.

No more than Two Thouſand Pounds to be raiſed by Mortgage or Annuity.

XXVI. And be it further enacted, That if the Intereſt of any of the Monies ſo to be advanced or lent, or the Annuity or Annuities ſo to be granted as aforeſaid, or any Part or Parts thereof, ſhall be behind, in Arrear and unpaid by the Space of Twenty-eight Days next after the ſame ſhall become due and payable, then and in either of the ſaid Caſes it ſhall be lawful for the Perſon or Perſons entitled to the Receipt of ſuch Intereſt, or for the Annuitant or Annuitants entitled to the Annuity or Annuities, he, ſhe, or they, having firſt by Writing under his, her, or their Hand or Hands, demanded of the Treaſurer for the Time being to the ſaid Commiſſioners, Payment of ſuch Intereſt or Annuity or Annuities ſo in Arrear, and on Neglect or Refuſal made by ſuch Treaſurer for the Space of Fourteen Days next after ſuch Demand to pay the ſame, to commence and proſecute an Action at Law on the Caſe in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Treaſurer for the Recovery of the ſaid Intereſt or Annuity or Annuities ſo in Arrear, the Venue of which Action ſhall be laid in the ſaid Town and County of *Southampton*, or in the County of *Southampton* and not elſewhere, and that in ſuch Action no Eſſoign, Privilege, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Intereſt or Annuity how to be recovered.

XXVII. Provided always, and be it further enacted, That if at the Time of Demand made upon the Treaſurer for the Time being, of any Intereſt or Annuity or Annuities in Arrear, the ſaid Treaſurer ſhall not have ſufficient Monies in his Hands raiſed under the Authority of this Act, to anſwer and fully pay ſuch Intereſt or Annuity or Annuities, any Action ſhall thereupon be commenced againſt him for Recovery of the ſame; and the Treaſurer ſhall thereupon pay and ſatisfy ſuch Intereſt or Annuity or Annuities, it ſhall be lawful for him to retain and reimburſe himſelf out of the firſt Monies which ſhall come to his Hands under or by virtue of this Act, not only the Monies ſo paid by him in Diſcharge of ſuch Intereſt or Annuity or Annuities, but alſo all Coſts, Charges, and Expences, attending the defending of any ſuch Action; and that until ſuch Reimburſement, ſuch Treaſurer ſhall not be removed or removeable from his ſaid Office, any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding; but if any ſuch Action ſhall be commenced by or through the Neglect or Default of any ſuch Treaſurer, then and in ſuch caſe the Coſts, Charges, and Expences, attending ſuch Action, ſhall be wholly borne and paid by ſuch Treaſurer.

Treaſurer indemnified unleſs Action brought through his Neglect or Default.

Manner of transferring Securities.

XXVIII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons entitled to any Securities for Money borrowed, or for the Annuities granted as aforeſaid, by Writing under his, her, or their Hand and Seal or Hands and Seals endorſed thereon, to transfer the ſame reſpectively, and all his, her, and their Right and Intereſt therein, to any Perſon or Perſons whomſoever, in the Words or to the Effect following: *viz.*

Form of Transfer.

" I do hereby transfer the within Mortgage and
" all my Right and Title in and to the principal Money and Intereſt
" now due thereon. Or I, do hereby transfer
" the within Grant of Annuity and all Arrears thereof, and all my Right,
" Title, and Intereſt, in and to the ſaid Annuity, and all future Pay-
" ments thereof (*as the Caſe ſhall happen to be*) unto *D. E.* of
" his Executors, Adminiſtrators, and Aſſigns, dated the
" Day of in the Year of our Lord
"
" Witneſs ."

Entries of Securities and Transfers to be made in a Book.

And Entries or Memorials of all Mortgages or Aſſignments, and Grants of Annuities which ſhall be made in purſuance of this Act, and of all Transfers thereof reſpectively, expreſſing in Words at Length the Names, Places of Abode, and Additions of all ſuch Perſons who ſhall from Time to Time be entitled to the Principal and Intereſt or the Annuities thereby reſpectively ſecured, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk for the Time being to the ſaid Commiſſioners, to which Book all Perſons intereſted ſhall at all ſeaſonable Times have Acceſs and ſhall have Liberty to inſpect on previouſly paying to the ſaid Clerk the Sum of One Shilling, and for the Entry of every ſuch Aſſignment the ſaid Clerk ſhall be paid by the Perſon producing the ſame the Sum of Two Shillings and Six-pence and no more; and every ſuch Transfer ſhall within Four Days next after the Date thereof be by the Perſon or Perſons entitled thereto, produced to the ſaid Clerk for the Purpoſe of being entered as aforeſaid; and after ſuch Entry made (but not till then) every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, and his, her, or their Executors, Adminiſtrators, or Aſſigns, to the full Benefit thereof; and ſuch Aſſignee or Aſſignees may in like Manner transfer again, and ſo from Time to Time; and it ſhall not be in the Power of any Perſon or Perſons who ſhall have made any ſuch Transfer to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Annuities, Aſſignments, or Grants ſhall be made, or who ſhall be entitled to the Money thereby ſecured, ſhall be in Proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid Rates or Aſſeſſments equally one with another, without any Preference by reaſon of the Priority of advancing ſuch Money, or the Date thereof, or otherwiſe.

Transfers to be notified to the Clerk.

Commiſſioners may contract with Perſons for conveying Water into Houſes, &c.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to contract and agree with any Perſon or Perſons within the ſaid Town or the Liberties thereof for ſupplying him, her, or them with Water, by conveying the ſame out of and from the Reſervoirs or Pipes of and belonging to the ſaid Commiſſioners, into his, her, or their Houſe or Houſes, Out-Houſe or Out-Houſes.

XXX. And

Commissioners may contract with Maltsters, Brewers, &c.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, or for such Person or Persons as they or the major Part of them assembled at any Meeting shall under their Hands appoint for that Purpose, to ask, demand, receive, and take of and from every Maltster, Common Brewer, Distiller, Dyer, Tanner, Hatter, Wool Comber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, and other Person and Persons who shall take or use or cause to be taken or used, any of the aforesaid Water in his, her, or their Trade or Business, or for any the Purposes thereof, or for washing, cleansing, or preparing any Article, Matter, or Thing used in and about such Trade or Business, over and besides the aforesaid Annual Rates or Assessments hereby granted, such further Annual Sum or Sums of Money or Rent to be paid yearly or otherwise as every such respective Maltster, Brewer, Distiller, Dyer, Tanner, Hatter, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, or other Person or Persons, and the said Commissioners, or the Major Part of them, assembled at any Meeting shall from Time to Time agree upon; and until such Agreement shall have been made it shall not be lawful for any Maltster, Common Brewer, Distiller, Dyer, Tanner, Hatter, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, or other Person or Persons aforesaid, to take or use, or cause or procure to be taken or used, any of the aforesaid Water in his, her, or their Trade or Business, or in the Trade or Business of any other Person or Persons whomsoever, or for any of the Purposes thereof, or for washing or cleansing any Article, Matter, or Thing used in and about the same; any Thing in this Act, or the said recited Act contained to the contrary notwithstanding.

Penalty on Maltsters, &c. using Water without agreeing.

XXXI. And be it further enacted, That if any Maltster, Common Brewer, Distiller, Dyer, Tanner, Hatter, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, or other Person or Persons aforesaid, who shall not have agreed with the said Commissioners or the Major Part of them assembled at a Meeting of the said Commissioners for Water as aforesaid, shall take or carry away or cause or procure to be taken or carried away any of the said Water for the Use or Purposes of his, her, or their Trade or Business, or the Trade or Business of any other Person or Persons, or for washing or cleansing any Article, Matter, or Thing used in or about the same, every such Person so offending shall, for every such Offence, forfeit and pay to the Treasurer for the Time being, to the said Commissioners any Sum not exceeding Five Pounds nor less than Forty Shillings to be applied and disposed of for the Purposes of the said recited Act and this Act.

Masters of Ships, how to pay.

XXXII. And be it further enacted, That every Master, Commander, or other Person having the Care or Charge of any Ship or Vessel belonging or resorting to the Port of *Southampton*, who shall be desirous of having Water for his Ship or Vessel from the Water Works belonging to the said Town, may, from Time to Time, be supplied with Water, paying in Aid and for the Purposes of the said recited Act and this Act, for such Supply of Water to the Treasurer for the Time being, to the said Commissioners, or to such Person or Persons as the said Commissioners or the Major Part of them, at any Meeting assembled, shall, by any Writing or Writings under their Hands appoint to receive the same, any Sum not exceeding One Shilling for each and every Tun of Water, and so in Proportion for

for any greater or leſs Quantity than a Tun of Water with which he ſhall be ſupplied as aforeſaid, which ſaid Payments ſhall be made by every ſuch Maſter, Commander, or other Perſon as aforeſaid, to the ſaid Treaſurer for the Time being, or to the ſaid Perſon or Perſons ſo to be appointed as aforeſaid, before the Delivery of the ſaid Water at a certain Place conſtructed by the ſaid Commiſſioners on the Eaſt Side of a certain Quay called *Water-Gate Quay* within the ſaid Port of *Southampton*, for the Purpoſe of watering or ſupplying Ships and Veſſels with Water, or at ſuch other Place or Places within the ſaid Town or Liberties thereof as they, the ſaid Commiſſioners aſſembled at any Meeting or the Major Part of them, ſhall from Time to Time appoint for that Purpoſe, and that all Sums of Money for any ſuch Water may be recovered in a Summary Way before any One of His Majeſty's Juſtices of the Peace for the Town and County of *Southampton*, or be immediately levied by Warrant under the Hands and Seals of any Five or more of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Maſter, Commander, or other Perſon neglecting or refuſing to pay the ſame, together with the Coſts attending ſuch Diſtreſs and Sale, or otherwiſe if the Caſe ſhall ſo require, be ſued for and recovered by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter* with full Coſts of Suit: Provided always, That if any ſuch Maſter or Commander, or other Perſon as aforeſaid, ſhall refuſe to pay ſuch Sum as aforeſaid for each and every Tun of Water, and ſo in Proportion for any greater or leſs Quantity than a Tun of Water, which ſhall be required by him for any Ship or Veſſel before the taking or being permitted to take ſuch Water, that then and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners or any Perſon or Perſons acting under them, to refuſe to ſupply the ſaid Maſter, Commander, or other Perſon as aforeſaid with Water or to permit him to take ſuch Water.

Penalty on Maſters of Ships taking Water without paying.

XXXIII. And be it further enacted, That if after ſuch Refuſal any ſuch Maſter, Commander, or other Perſon aforeſaid, ſhall forcibly or violently take or cauſe or procure to be forcibly or violently taken any ſuch Water, or be aiding or aſſiſting therein contrary to this Act, or ſhall take or cauſe to be taken any Water for any Ship or Veſſel from any Conduit or other Public Water Work or Water Works belonging or which ſhall hereafter belong to the ſaid Town of *Southampton*, other than the Place ſo appointed for watering Ships or Veſſels as aforeſaid, or the Place or Places to be by the ſaid Commiſſioners or the Major Part of them aſſembled at any Meeting from Time to Time to be appointed for the Purpoſe laſt mentioned, or ſhall be aiding or aſſiſting therein or thereunto, every ſuch Maſter, Commander, or other Perſon ſhall, for every ſuch Offence, forfeit and pay to the Treaſurer for the Time being to the ſaid Commiſſioners, any Sum not exceeding Five Pounds nor leſs than Forty Shillings to be recovered as the Monies for the watering or ſupplying Ships or Veſſels with Water as aforeſaid, are recoverable and ſhall be applied for the Purpoſes of the ſaid recited Act and this Act, any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding.

Penalty for injuring Water or Works.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall bathe in any Conduit Head, Conduit Ciſtern, Reſervoir, or Pond now belonging or which ſhall hereafter belong to the ſaid Water Works, or caſt or put into any Conduit Head, Conduit Ciſtern, Reſervoir, Pond, Watercourſe

courſe, Drain, Pipe, Vent, Pump, or other Work provided or made, or which ſhall hereafter be provided or made, for preſerving or conveying or ſupplying Water to the ſaid Town, any Filth, Dirt, Rubbiſh, Soil, Gravel, Stones, Dog, Cat, dead Carcaſe, Carrion, or other noiſome, unclean, or unwholeſome Subſtance or Thing whatſoever, or ſhall waſh or cleanſe in any Conduit Head, Conduit Ciſtern, Reſervoir, Pond, Drain, Pump, Vent, or other Work for ſupplying the ſaid Town with Water, any Dog, Sheep, Lamb, or other Animal, or any Part or Parts of any Animal, Cloth, Wool, Cloaths, Leather, Skin of any Sheep, Lamb, or other Animal, Hemp, Flax, or other noiſome, unwholeſome, or offenſive Thing, or make or convey or cauſe to be made and conveyed any Sink, Sewer, Ditch, or Drain into any Conduit Head, Conduit Ciſtern, Reſervoir, Pond, Drain, Vent, or other Work erected or to be erected for ſupplying the ſaid Town with Water, or cauſe or procure any other Injury or Annoyance to be done to the ſaid Water, or if any Perſon or Perſons ſhall maliciouſly or wantonly, for the Purpoſe of Waſte or of leſſening or preventing the Supply of Water to the ſaid Town, or any Part or Parts thereof, let any Water out of any of the Reſervoirs, Conduit Heads, Conduit Ciſterns, or other Works belonging to the ſaid Town, or if any Perſon or Perſons ſhall water any Horſe or other Cattle, or waſh any Carriage or other Thing at either of the ſaid Conduit Heads, Reſervoirs, Conduit Houſes, Conduits, Pumps, or other Works, every Perſon offending in any or either of the Caſes aforeſaid, ſhall, for every ſuch Offence, pay to the Treaſurer for the Time being to the ſaid Commiſſioners, for the Purpoſes of the ſaid recited Act and this Act, ſo much Money as ſhall be adjudged by any Two or more Juſtices of the Peace for the ſaid Town and County before whom ſuch Offence ſhall be heard, to be adequate to the Damage done by every ſuch Offender, and alſo a Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Penalty for interrupting Commiſſioners, Officers, and Workmen, and for damaging Works or carrying away or receiving Materials.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly hinder or interrupt the ſaid Commiſſioners, or any of their Agents, Workmen, or others in making, erecting, repairing, doing, or performing any of the Works by the ſaid recited Act authorized, or in the Exerciſe of any of the Powers and Authorities by the ſaid Act and this Act granted, or ſhall take away, deſtroy, damage, or injure any Engine, Conduit Head, Conduit Houſe, Conduit Ciſtern, Pump, Pipe, Vent, Drain, Plug, Cock, Trough, or other Work, Matter, or Thing whatſoever already made or provided, or which ſhall be hereafter made or provided under or by virtue of this Act or the ſaid recited Act, for the Purpoſes of ſupplying the ſaid Town and Shipping with Water, or any Part or Parts of them or either of them, or any of the Materials uſed or provided, or which ſhall hereafter be provided for any Engines or Works relating thereto, or any or either of them, or in anywiſe cauſe or procure the ſame to be done, or be aiding or aſſiſting therein or thereunto, or ſhall knowingly receive any of the ſaid Works, Things, or any of the Materials of the ſaid Works as aforeſaid, or ſhall wilfully and maliciouſly or wantonly take away, deſtroy, damage, or injure any Fire Engine, Fire Crook, Fire Bell, or any Rope, Wheels, or other Part thereof, or any other Matter or Thing already provided, or which ſhall hereafter be provided by the ſaid Commiſſioners, or the Commiſſioners for the Time being, or the Major Part of them, for the preventing and extinguiſhing of Fire within the ſaid Town, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every

ſuch Offence, pay to the Treaſurer for the Time being to the ſaid Commiſſioners, for the Purpoſes of the ſaid recited Act and this Act, ſo much Money as ſhall be adjudged by any Two or more Juſtices of the Peace for the ſaid Town and County before whom ſuch Offence ſhall be heard, to be adequate to the Damage done by every ſuch Offender, and alſo any Sum not exceeding Five Pounds nor leſs than Forty Shillings.

Commiſſioners may ſue and be ſued in the Name of their Clerk.

XXXVI. And be it further enacted, That the ſaid Commiſſioners may ſue and be ſued in the Name of their Clerk or Treaſurer; and that no Action which ſhall be brought or commenced by or againſt the ſaid Commiſſioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treaſurer ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act or Default of ſuch Clerk or Treaſurer without the Conſent of the Commiſſioners, at a Meeting to be held for that Purpoſe; but the Clerk or Treaſurer to the ſaid Commiſſioners for the Time being ſhall be deemed Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, That every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act ſhall be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, and Charges as by the Event of ſuch Proceeding he ſhall be put to or become chargeable with, by Occaſion of his being ſo made Plaintiff or Defendant.

How Penalties and Forfeitures to be recovered.

XXXVII. And be it further enacted, That all Complaints and Informations of Offences againſt the ſaid recited Act or this Act, for proceeding in which no particular Directions are thereby or hereby given, ſhall and may be made before any Juſtice of the Peace for the ſaid Town and County of *Southampton*; and every ſuch Juſtice is hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon complained of to appear before him; and, upon the Apppearance or Non-appearance of ſuch Perſon, purſuant to ſuch Summons to hear the Matter of every ſuch Complaint or Information by Examination of any Witneſs or Witneſſes on Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), and to make ſuch Determination therein as to ſuch Juſtice ſhall appear juſt.

XXXVIII. And be it further enacted, That any Juſtice or Juſtices of the Peace before whom any Perſon ſhall be convicted of any Offence againſt the ſaid recited Act or this Act, ſhall and may cauſe the Conviction to be drawn up in the Form, or to the Effect following; (that is to ſay,)

Form of Conviction.

"To wit, } BE it remembered, That on the Day of in the "Year of the Reign of His Majeſty *A. B.* is con- "victed before me One [*or* us, Two] of His Majeſty's Juſtices of the "Peace for the ſaid Town and County of *Southampton*, by virtue of an "Act of Parliament made in the Forty-third Year of the Reign of His "Majeſty King *George* the Third, intituled, *An Act to amend and "render more effectual an Act made in the Twentieth Year of the Reign "of His late Majeſty, for repairing, improving, and maintaining "the Public Conduits and other Waterworks belonging to the Town "of* Southampton, [*here ſpecify the Offence and the Time and Place when*

"*and*

" *and where the ſame was committed, as the Caſe ſhall be*], and I [*or* we] do " adjudge the ſaid *A. B.* to have forfeited for his ſaid Offence the Sum of " to be paid to . Given under my " Hand and Seal the Day and Year firſt aforeſaid."

Penalties how to be levied and applied.

XXXIX. And be it further enacted, That all Penalties and Forfeitures by the ſaid recited Act or this Act impoſed, together with the Charges incident thereto in reſpect whereof no particular Direction is given by this Act, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Juſtice or Juſtices of the Peace for the ſaid Town and County of *Southampton*, which Warrant ſuch Juſtice or Juſtices is and are hereby empowered and required to grant, and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any) when demanded to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the Treaſurer for the Time being to the ſaid Commiſſioners, and applied to the Purpoſes of the ſaid recited Act and this Act (if not thereby or hereby otherwiſe directed to be applied); and for Want of ſufficient Diſtreſs it ſhall be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal or Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the ſaid Town and County for any Period not exceeding Three Calendar Months, nor leſs than Fourteen Days, there to remain without Bail or Mainprize, or until he, ſhe, or they ſhall have paid ſuch Penalty or Penalties, Forfeiture or Forfeitures, and Charges incident thereto.

Juſtices may reward Informers.

XL. Provided always, and be it further enacted, That it ſhall be lawful for any Juſtice of the Peace of the ſaid Town and County, out of any Penalty or Forfeiture adjudged on any Conviction before him for any Damage or Injury done to any of the Water Works of the ſaid Town, or Conduit, Reſervoir, Engines, or Things whatever belonging thereto, or to any Matters or Things provided and kept for Protection againſt or preventing Miſchief by Fire, purſuant to any of the Powers, Proviſions, or Authorities of the ſaid recited Act or this Act, to reward, if he ſhall think fit, any Perſon or Perſons who ſhall have informed againſt and proſecuted ſuch Offender to Conviction as aforeſaid.

Power of Juſtices to mitigate.

XLI. Provided always, and be it further enacted, That it ſhall be lawful for any Juſtice or Juſtices of the Peace before whom any Conviction ſhall take place, as he or they ſhall ſee cauſe, to mitigate, compound, or leſſen any of the Penalties, Forfeitures, or Puniſhments by this Act impoſed or inflicted, as he or they in his or their Diſcretion ſhall think fit.

Proceedings not to be quaſhed for Want of Form, or removed by Certiorari.

XLII. Provided always, and be it further enacted, That no Conviction, Order, or other Proceeding made or had touching or concerning any of the Matters in the ſaid recited Act or this Act, or touching the Conviction of any Offender or Offenders againſt the ſaid recited Act or this Act, ſhall be quaſhed or vacated for Want of Form, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding; and where any Diſtreſs ſhall be made for

any

any Sum or Sums 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 be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in any Summons, Conviction, Warrant, Diſtreſs, or other Proceeding relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which afterwards may be done or committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action on the Caſe, but no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs, or other Proceeding under the ſaid recited Act or this Act, if ſufficient Tender of Amends hath been made before ſuch Action brought to him, her, or them, by or on the Behalf of the Party or Parties, who ſhall have committed or cauſed to be committed any ſuch Irregularity, Treſpaſs, or wrongful Proceeding; and in caſe no ſuch Tender ſhall have been made it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court in which ſuch Action ſhall be depending, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon ſuch Proceedings or Order and Judgment ſhall be had, made, or given in and by ſuch Court as in other Actions where the Defendant or Defendants is or are allowed to pay Money into Court.

Plaintiff not to recover if Amends tendered.

Coſts of this Act to be paid.

XLIII. And be it further enacted, That the Coſts and Charges of obtaining and paſſing this Act, and all other Coſts, Charges, and Expences relating to or concerning the ſame, or any Ways incident thereto, and in putting the ſame into Execution, ſhall be borne, paid, and defrayed by the Treaſurer for the Time being to the ſaid Commiſſioners, out of the Monies raiſed or to be raiſed by virtue of the ſaid recited Act or this Act.

Saving Rights of Corporation.

XLIV. Provided alſo and be it further enacted, That nothing in this Act ſhall extend or be conſtrued to extend to affect in any Manner the Mayor, Bailiffs, and Burgeſſes of the ſaid Town and County of *Southampton*, or any of their Rights, Eſtates, Powers, Privileges, Immunities, or Advantages whatever.

Perſons aggrieved may appeal.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Rate or Aſſeſſment made or any other Thing done by virtue and in purſuance of the ſaid recited Act or of this Act, he, ſhe, or they ſhall and may appeal to the General Quarter Seſſions of the Peace to be held for the ſaid Town and County of *Southampton* next after the Cauſe of ſuch Appeal ſhall ariſe, and it ſhall and may be lawful to and for the Juſtices of the Peace or the Major Part of them, then and there aſſembled, to make ſuch Order therein as to them ſhall ſeem meet, and to award ſuch Coſts to the Plaintiff or Plaintiffs, or Defendant or Defendants, as they the ſaid Juſtices ſhall think proper: Provided always, That no ſuch Appeal ſhall ſtop or delay the Payment of any ſuch Rate, but the ſame ſhall be levied and collected from the Perſon ſo appealing until the Determination of ſuch Appeal, and the ſame or any Exceſs if the Juſtices aforeſaid ſhall determine that ſuch Rate ought not to have been made, or that ſuch Rate exceeded the fair Proportion of Rate on the Perſon or Perſons ſo appealing, ſhall be repaid to

him

him or them upon the Determination of such Appeal by the Treasurer aforesaid, and no Appeal under this Act for that or any other Cause shall be heard unless Ten Days Notice thereof be given in Writing by the Party so appealing to the said Commissioners or to their Clerk.

Limitations of Actions.

XLVI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Offence committed or Cause of Action or Suit accrued, and not afterwards, and shall be laid and brought in the County where the Cause of Complaint shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and 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 that if it shall appear so to have been done, or that such Action or Suit shall be commenced after the Time limited for bringing the same, or shall be brought in any County or Place, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any other Defendant or Defendants hath or have by Law in any other Case.

Public Act.

XLVII. And be it further enacted, That this Act shall be adjudged, deemed; and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever without specially pleading the same.

SCHEDULE to which this Act refers.

Warrant of Distress for Non-payment of the Rates.

Southampton } To the
to wit }

in the Town and County of the Town of *Southampton*, and to all Constables and other Peace Officers for the same Town and County.

WHEREAS the undermentioned Persons now or late Inhabitants, Holders, Landlords, Tenants, Occupiers, or Enjoyers of Lands, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, or other Buildings or Tenements, or Part of some Building or Tenement within the said Parish, were and are truly rated and assessed or liable to pay the Rate and Rates duly made for the Purpose of an Act made in

the Forty-third Year of the Reign of King *George* the Third, intituled *(ſet forth the Title of this Act)*: And whereas the ſaid Perſons have refuſed or neglected to pay the ſeveral Sums of Money at and againſt their Names hereunto reſpectively ſet down for Money due from them for or towards the Purpoſes in the ſaid Act mentioned, and the ſaid ſeveral Sum and Sums of Money are ſtill remaining due in Arrear and unpaid, as appeareth upon Oath to us Two of His Majeſty's Juſtices of the Peace for the ſaid Town and County, and the ſaid ſeveral Perſons having been ſummoned to appear before us to anſwer the Premiſes as alſo appeareth to us the ſaid Juſtices upon Oath, and they nor either of them having ſhewn any ſufficient Cauſe, theſe are therefore in His Majeſty's Name to will and require you or either of you forthwith to levy the ſaid ſeveral Sums of Money due from the ſaid Perſons, and hereunder joined to, or ſet againſt, their Names reſpectively, by Diſtreſs and Sale of their reſpective Goods and Chattels (ſuch Goods and Chattels being kept by the Space of Five Days before the ſame are ſold) rendering to them reſpectively the Overplus (if any be), the reaſonable Charges of ſuch Diſtreſs, Sale, and Keeping, being firſt deducted, and if no ſufficient Diſtreſs can be had or taken, that then you certify the ſame to us to the End ſuch further Proceedings may be had therein as to the Law doth appertain; and we do hereby ſtrictly charge and command all and ſingular the Conſtables and other His Majeſty's Peace Officers for the ſaid Town and County, to be aiding and aſſiſting in all Things relating to the Premiſes. Given under our Hands and Seals, this Day of in the Year of our Lord

Perſons' Names.	Sums due. £. s. d.
A. B. - - - -	
C. D. - - - -	
E. F. the Landlord for divided - -	
G. H. &c. - - - -	

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 33.

An Act for enabling the Moſt Noble *John* Duke of *Atholl* and his Heirs to build a Bridge over the River *Tay*, at or near to the Town of *Dunkeld* in the County of *Perth*, and make Roads of Communication thereunto. [17th *May* 1803.]

WHEREAS the Two Ferries upon the River *Tay*, at or near the Town of *Dunkeld*, in the County of *Perth*, called the *Ferry of Invar*, and the *Lower* or *Eaſt Ferry*, are often liable to great Interruptions, and the Paſſage acroſs the ſaid River is ſometimes attended with conſiderable Danger, owing to the Rapidity of the ſaid River, whereby the Communication between the Northern and Southern Parts of *Great Britain* is much impeded: And whereas the Roads leading to the ſame are unſafe and inconvenient: And whereas the Moſt Noble *John* Duke of *Atholl* is the ſole Proprietor of the ſaid Ferries, and of the Land adjoining thereto on both Sides of the ſaid River: And whereas the ſaid *John* Duke of *Atholl* is willing and deſirous to give up to the Public the Tolls and Duties derived from thoſe Ferries, and to build a Bridge over the ſaid River at or near to the ſaid Town of *Dunkeld*, and to make good and convenient Roads to communicate therewith, whereby great Advantage will accrue to the Public: But ſo uſeful and expenſive an Undertaking cannot be executed without the Authority of Parliament: May it there-

fore pleaſe your Majeſty, That it may be enacted, and be it enacted by the King's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid *John* Duke of *Atholl*, and his Heirs Dukes of *Atholl* for the Time being, or ſuch Perſon or Perſons as he or they ſhall appoint, ſhall be, and he and they are hereby authorized and empowered to build and erect a Bridge of Stone, Iron, or Timber over the River *Tay*, at or near the ſaid Town of *Dunkeld*, and to dig and make proper Foundations in the ſaid River, and on the Lands lying on each Side thereof, for the Piers and Abutments of the ſaid Bridge, and to cut and level the Banks of the ſaid River in ſuch Manner as ſhall be neceſſary and proper for building the ſaid Bridge, and to cut, remove, take, and carry away all Trees, Roots of Trees, Gravel, Sand, Mud, or any other Impediment whatſoever, which may in anywiſe hinder the erecting, building, repairing, or completing the ſaid Bridge; and to widen or enlarge any Foot, Bridle, or Horſe Roads, ſo as to make the ſame fit for Carriages; and to make all ſuch new or other Roads or Ways to and from ſuch Bridge as may facilitate the Approach to and Paſſage over the ſame; and alſo to do, perform, and execute all other Matters and Things requiſite and neceſſary, uſeful or convenient, for erecting, building, repairing, maintaining, and ſupporting the ſaid Bridge according to the true Intent and Meaning of this Act: And for the Purpoſe of erecting, building, maintaining, repairing, or ſupporting the ſaid Bridge, the ſaid Duke or his Heirs, or any Perſon to be appointed by the ſaid Duke or his Heirs as aforeſaid, ſhall from Time to Time have full Power and Authority to land on either Side of the ſaid River all Materials and other Things to be uſed in and about the ſame, and there to work and uſe ſuch Materials and Things accordingly, doing as little Damage as may be, and making ſuch Satisfaction as is hereinafter mentioned to the reſpective Owners and Occupiers of all ſuch Lands and Grounds as ſhall be altered, damaged, ſpoiled, taken, or made uſe of, by Means or for the Purpoſes of the preſent Act.

Duke of Atholl to build a Bridge.

II. And be it further enacted, That the ſaid Duke or his Heirs ſhall be, and he and they is and are hereby authoriſed and empowered to contract and agree with any Perſon or Perſons whomſoever, to build and erect, complete and finiſh the ſaid Bridge, and to maintain and ſupport the ſame when completed, in ſuch Manner as he or they ſhall judge proper, and ſhall and may, and he or they are hereby authoriſed and empowered to treat, contract, and agree for the Purchaſe of any Lands, Grounds, Tenements, or Hereditaments, which he or they ſhall think fit and neceſſary to be employed or uſed for the erecting, building, and repairing the ſaid Bridge, and for the amending, widening, making, enlarging and facilitating the Ways, Roads, and Paſſages on each End of the ſaid Bridge, and leading to and from the ſame, with the Owners and Occupiers of the ſaid Lands, Grounds, Tenements, and Hereditaments, and other Perſons intereſted in the ſame, and alſo to ſettle, adjuſt, and agree with the ſeveral Owners, Occupiers, and Perſons intereſted, or any of them, what Recompence, Compenſation, or Satisfaction ought reaſonably to be made for any Loſſes, Damages, or Expences they reſpectively ſhall or may ſuſtain or be put to, for or by

Duke may contract for building the Bridge.

reaſon or on account of the Building or Repairing of the ſaid Bridge, or the Execution of any of the Powers of this Act, and ſhall and may, by and out of the Money to be raiſed and collected by virtue of this Act, or out of the Money to be borrowed on the Credit thereof, pay all and every ſuch Sum and Sums of Money as ſhall be contracted and agreed to be paid for the Purpoſes aforeſaid:

Summoning a Jury to value Premiſes.

III. And be it further enacted, That if any Perſon or Perſons ſeiſed, poſſeſſed of, entitled to, or intereſted in ſuch Lands, Grounds, Tenements, or Hereditaments, as may be neceſſary to be employed or made uſe of for the Purpoſes of this Act, ſhall refuſe to treat or ſhall not agree for the Sale of any ſuch Lands, Tenements, or Hereditaments, or ſuch Part or Parts thereof as may be judged requiſite by the ſaid Duke or his Heirs, to be employed or uſed for the Purpoſes of this Act, it ſhall be lawful for the Sheriff-Depute of the County of *Perth*, or his Subſtitutes, and he is hereby empowered and required, at the Suit of either Party, to impannel an Inqueſt or Jury of Fifteen ſubſtantial and diſintereſted Perſons, who after Evidence on Oath to them given concerning the Nature, Quantity, and Quality of ſuch Lands, Tenements, and Hereditaments, or ſuch Part or Parts thereof as aforeſaid, ſhall, by their Verdict, aſſeſs and aſcertain the actual Value or the Quantum of Damages and Recompence to be given or paid for the ſame reſpectively, to ſuch reſpective Owners, Occupiers, and Perſons intereſted, according to their reſpective Intereſts therein; and ſuch Verdict being returned to the Sheriff-Depute or his Subſtitute, he ſhall judge and finally determine the ſaid Matters according to the ſaid Verdict.

Impowering incapacitated Perſons to ſell.

IV. And whereas it may happen, That ſome Perſon or Perſons, Bodies Politic or Corporate, Guardians, Tutors, Curators, Truſtees, or Others, who are ſeiſed, poſſeſſed of, or entitled to Lands, Grounds, Tenements, or Hereditaments, which may be neceſſary or requiſite to be appropriated or made uſe of for the Purpoſes of this Act, may be willing to treat and agree for the Sale or Diſpoſition of ſuch Lands, Grounds, Tenements, or Hereditaments, but are under a Diſability of making an effectual Grant or Conveyance thereof for thoſe Purpoſes; be it therefore further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations aggregate or ſole, and all Executors, Adminiſtrators, Guardians, Tutors, Curators, or Truſtees whomſoever, for any Infants, Pupils, Minors, Lunatics, Idiots, or other Truſts, and for any Heirs of Entail, Tenants for Lives, or for any Term or Number of Years, and for all and every other Perſons and Perſon whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or Hereditaments, to treat, contract, and agree with the ſaid Duke or his Heirs, for the Sale of ſuch Lands, Tenements, and Hereditaments, or any Part thereof, or of their Intereſt therein, for the Purpoſes aforeſaid, and to ſell, convey, and diſpone the ſame to the ſaid Duke or his Heirs, or to ſuch Perſon or Perſons, in Truſt for them, and in ſuch Manner as the ſaid Duke or his Heirs ſhall direct and as Occaſion ſhall require, and that all Contracts, Agreements, Sales, Diſpoſitions and Conveyances which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes, any Law, Statute, or Uſage to the contrary notwithſtanding; and all Bodies Politic, Corporate, or Collegiate Corporations, aggregate or

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sole, and all Executors, Administrators, Guardians, Tutors, Curators, or Trustees, and all other Persons are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act: Provided always, That it shall not be lawful for any such Bodies or Persons respectively to sell or convey more than Five Acres of Land for the Purposes aforesaid.

Re-investing Purchase Monies.

V. And be it enacted, That in case any Lands, Houses, or any other Premises taken or used for the Purposes of this Act, or to which Damage shall be done in the Execution of the same, are held under Entail, or are subject to Liferents, Annuities, Jointures, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, or any Person or Persons under any other Disability or Incapacity, the Purchase-Money or Recompence-Money to be paid for the same, if exceeding the Sum of Twenty Pounds Sterling, shall be laid out and invested by the Authority and under the Direction of the Court of Session, in the Purchase of other Lands, Houses, or Premises of the like Nature, and the Rights, Titles, and Securities thereof shall be devised and taken to the same Person or Persons, and to the same Series of Heirs, and for the Benefit of the same Person or Persons, and for the same Uses and Purposes, and under the same Conditions, Provisions, and Limitations as are mentioned and contained in the Title Deeds of the Lands, Houses, or other Premises taken, used, or damaged, for the Purposes of this Act, or such of them as shall be then existing or capable of taking Effect, and in the mean Time until such Purchase can be made, such Money shall, under the Direction and by the Authority of the Court of Session, be paid into the Bank of *Scotland*, at the highest Rate of Interest that can be obtained for the same, and such Interest arising upon all Sums that shall exceed Twenty Pounds, and shall not amount to One hundred Pounds, shall go and be applied to or for the Use of the respective Person or Persons who would be entitled to the Rents and Profits of the Lands, Houses, or other Premises to be purchased with such Money in case such Purchase had actually been made and completed, but if the Money so paid into the Bank of *Scotland* shall amount to One hundred Pounds or more, then and in that Case the Interest arising thereon shall annually be accumulated and added to the Principal Sum itself, to carry Interest together, until a proper Purchase or Purchases shall be found and shall be approved of by the said Court of Session, and it shall be lawful to and for the said Court to make such Order or Orders in a summary Way, upon the Application of any Party interested touching the Payment or Application of the Monies so to be paid into the Bank of *Scotland*, and the Interest that may from Time to Time arise thereon, as the said Court shall think fit.

Recital of Tolls now payable to the Duke.

VI. And whereas the Table of Tolls or Passage Money at this Time collected and payable to the said *John* Duke of *Atholl* for or in respect of each of the said Ferries of *Invar* and the Lower or East Ferry, as the same are by Law established, consist of the following Items, that is to say: For every single Person the Sum of One Halfpenny, and returning the same Day to pass gratis: For every Horse with One Rider in Hand or loaded, the Sum of One Penny Halfpenny: For every Ad-

Additional Horſe the Sum of One Penny: For every Single Cart unloaded, including Horſe and Driver, the Sum of One Penny: For every Single Cart loaded, including Horſe and Driver, the Sum of Two-pence: For every Double Cart unloaded, including Horſe and Driver, the Sum of Three-pence: For every Double Cart loaded, including Horſes and Driver, the Sum of Four-pence: For every Two Wheeled Chaiſe, excluſive of Horſes and Perſons, the Sum of Six-pence: For every Four Wheeled Chaiſe, excluſive of Horſes and Perſons, the Sum of One Shilling: For every Coach, excluſive of Horſes and Perſons, the Sum of Two Shillings; all Military under Arms, Half Freight: For each Large Boat full of Wood, Stone, Lime, or any tedious Loading, without Horſes or Carriages, the Sum of One Shilling: For each Large Boat full of Sheep or Goats, the Sum of Six-pence: For each Middle Boat full of Wood, Stone, Lime, or any tedious Loading, without Horſes or Carriages, the Sum of Six-pence: For each Middle Boat full of Sheep or Goats, the Sum of Three-pence.

For levying additional Toll.

VII. And whereas the ſaid Duke or his Heirs will be at great Charges and Expences in erecting, maintaining, and ſupporting the ſaid Bridge; be it therefore enacted, That when and as ſoon as the ſaid Bridge ſhall have been ſo far built as to become paſſable for Travellers, it ſhall and may be lawful to and for the ſaid *John* Duke of *Atholl* or his Heirs to erect or cauſe to be erected One or more Toll-Gate or Toll-Gates, Turnpike or Turnpikes, at or upon or as near to the ſaid Bridge to be built over the ſaid River *Tay* as to him or them ſhall appear moſt ſuitable and convenient, and alſo to erect and build a Toll-Houſe at or ſo near to ſuch Gates or Turnpikes as he or they ſhall think fit, and to levy, demand, and take the reſpective Rates following, by way of Toll or Pontage Duty, at or upon the ſaid Bridge, before any Perſon or Perſons, or any Coach, Chariot, Berlin, Landau, Calaſh, Chaiſe, Curricle, Gig, Waggon, Cart, or other Carriage whatſoever, or any Horſe, Mare, Gelding, Mule, Aſs, or any Cattle, Sheep, Goats, or Swine, ſhall be permitted to paſs over or to repaſs the ſame, that is to ſay:

For every Horſe, Mare, Gelding, or Mule, drawing any Coach, Chariot, Landau, Berlin, Hearſe, Curricle, Chaiſe, Calaſh, or other ſuch like Carriage, the Sum of Eight-pence Sterling:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Waggon, Wain, Cart, or other Carriage of the like Nature, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches or upwards from Side to Side, the Sum of Three-pence Sterling:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing any Waggon or other Carriage of the like Nature, not having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches from Side to Side, the Sum of Four-pence Sterling:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Two-pence Sterling:

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Eight-pence Sterling *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Sheep, Lambs, Hogs, Swine, or Goats, the Sum of Six-pence Sterling *per* Score, and ſo in Proportion for any greater or leſs Number:

For every Foot Paſſenger the Sum of One Halfpenny Sterling:

And if any Perſon or Perſons ſubject to the Payment of any of the Tolls or Pontage Duties hereby granted ſhall refuſe to pay the ſame, it ſhall be lawful to the Perſon or Perſons appointed to collect the ſaid Tolls or Pontage Duties, by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſtop and prevent the Paſſage of the Perſon or Perſons ſo refuſing, or of the Horſe, Beaſt, Cattle, or Carriage, for or in reſpect of which ſuch Tolls ought to be paid until full Payment thereof, or to ſeize and diſtrain any Horſe or other Cattle, or any Carriage upon or in reſpect whereof any ſuch Toll or Duty is by this Act impoſed, and to detain and keep ſuch Horſes, Cattle, or Carriage ſo ſeized and diſtrained until ſuch Tolls or Pontage Duties, with the reaſonable Charge of ſuch Diſtreſs, and of detaining and keeping the ſame, ſhall be paid; or it ſhall be lawful for the Perſon or Perſons ſo ſeizing and diſtraining, at any Time after the Expiration of Four Days after the Day of making ſuch Seizure and Diſtreſs, at his or their Election, to ſell by Public Roup or Auction all or any of the Horſes, Cattle, or Carriages ſo ſeized and diſtrained, returning the Overplus of the Money to ariſe by ſuch Sale, and what ſhall remain unſold (if any be), upon Demand, to the Owner thereof, after ſuch Toll or Pontage Duty, and all reaſonable Charges occaſioned by ſuch Diſtreſs and Sale, ſhall be deducted; and that it may and ſhall be lawful to and for the Perſon or Perſons collecting the ſaid Tolls or Pontage Duties as aforeſaid to carry any Foot Paſſengers ſubject to the Payment of any of the ſaid Tolls or Pontage Duties, and refuſing to pay the ſame, before ſome One of His Majeſty's Juſtices of the Peace acting for the ſaid County of *Perth*, who is hereby empowered to inquire into the ſaid Offence, and on the Offence being proved to his Satisfaction, to impoſe on the Party offending a Fine not exceeding Twenty Shillings nor leſs than Five Shillings Sterling, to be paid to the Collector of the ſaid Tolls or Pontage Duties, and on Non-payment thereof to commit ſuch Party to the Houſe of Correction or Common Gaol of the ſaid County of *Perth* for any Time not exceeding Seven Days.

Tolls veſted in the Duke and his Heirs.

VIII. And be it enacted, That all the Money to be collected by the ſaid Pontage or Toll to be taken at or near to or upon the ſaid Bridge, ſhall be and become the ſole and excluſive Property of the ſaid Duke and his Heirs, until all the Expences of building the ſaid Bridge, making the ſaid Roads, and of procuring this Act, together with lawful Intereſt for the ſame, ſhall be paid; and alſo until a Fund ſhall be conſtituted for maintaining and ſupporting the ſaid Bridge in Manner hereinafter mentioned.

When the Money borrowed is repaid additional Tolls

IX. Provided always, and be it further enacted, That the ſaid Duke and his Heirs ſhall be, and he and they is and are hereby required to keep, or cauſe to be kept, an exact Account of all Money paid on account of building, repairing, and ſupporting the ſaid Bridge, of making and keep-

keeping in Repair the ſaid Roads, and of procuring and paſſing this Act; and alſo an Account of the Produce of the ſaid Tolls or Pontage Duty, and ſhall cauſe the ſame to be laid before the Juſtices of the Peace and Commiſſioners of Supply for the ſaid County of *Perth*, at their annual Meeting in the Month of *April*; and when and ſo ſoon as it ſhall appear that the Whole of the Sum borrowed by the ſaid Duke or his Heirs for the Purpoſes aforeſaid, together with Intereſt for the ſame at the Rate of Five Pounds *per Centum per Annum* ſhall have been paid, then One-third Part of the Tolls and Pontage Duties hereby granted ſhall ceaſe and determine, and from thenceforth the Produce of the ſaid Tolls and Pontage Duties after deducting the Expences of Collection, and of any Repairs that may be neceſſary for the Support of the ſaid Bridge, ſhall accumulate under the Direction of the ſaid Duke and his Heirs, until it ſhall amount to the Sum of One thouſand five hundred Pounds Sterling, when the ſame ſhall be inveſted in the Purchaſe of Land or other heritable Property, and charged with the Repair and Maintenance of the ſaid Bridge for ever, and for providing any Ferry when neceſſary in ſuch Manner and under ſuch Direction as the ſaid Duke or his Heirs ſhall limit and appoint.

granted by the Bill to ceaſe.

X. And whereas the ſaid *John* Duke of *Atholl* is the abſolute Proprietor, and as ſuch is ſeiſed in Fee Simple of the Right of Ferry at both the Places hereinbefore mentioned; and the ſaid Duke is willing and deſirous that, for the better Accommodation of the Public, all Tolls and Pontage Duties for paſſing the ſaid Bridge or Ferries ſhould ceaſe when a proper Fund ſhould be provided for maintaining and ſupporting the ſaid Bridge; be it therefore enacted, That immediately after the ſaid Accumulation ſhall be completed, all the Right and Title of the ſaid Duke and his Heirs, to demand, receive, or levy, any Tolls or Pontage Duties from any Perſon or Perſons for paſſing the ſaid Bridge or Ferry ſhall ceaſe, determine, and be for ever extinguiſhed.

Pontage Duties to ceaſe when Fund provided for the Support of the Bridge.

XI. Provided always, and be it enacted, That the ſaid Bridge ſhall not be deemed and taken to be a County Bridge; and that the Juſtices of the Peace and Commiſſioners of Supply for the ſaid County ſhall have no further Controul over the ſaid Bridge or the Tolls and Pontage Duties than is hereby expreſsly given to them.

Bridge not to be deemed a County Bridge.

XII. And be it further enacted, That the ſaid Duke and his Heirs ſhall be, and he and they is and are hereby authorized and empowered to borrow ſuch Sum or Sums of Money on the Credit of the ſaid Toll or Pontage Duty as ſhall be found neceſſary for the Purpoſe of enabling him or them to defray the Expence of erecting and building the ſaid Bridge, and of making Roads thereunto as aforeſaid, but ſo as that the whole Money to be borrowed ſhall not at any Time exceed the Sum of Eighteen thouſand Pounds, at an Intereſt not exceeding Five Pounds *per Centum per Annum*; and it ſhall and may be lawful to and for the ſaid Duke or his Heirs to aſſign over the ſaid Tolls or Pontage Duty as a Security for the Repayment of the Sum or Sums of Money ſo borrowed, and the Intereſt thereof.

Duke may borrow Money.

XIII. Pro-

Table of Tolls to be affixed.

XIII. Provided always, and be it enacted, That the ſaid Duke and his Heirs ſhall be, and he and they is and are hereby required to cauſe to be put up, and afterwards to be continued, upon every Toll-Gate to be erected on or near the ſaid Bridge, a Table of all the Tolls payable at ſuch Gate, diſtinguiſhing each Toll, and the different Sorts of Carriages for which they are to be paid, where there ſhall be any Variation therein.

Tolls may be let.

XIV. And be it further enacted, That the ſaid Duke and his Heirs is and are hereby authorized and empowered, either by Private Contract or by Public Auction or Roup, to ſet and let the ſaid Toll or Pontage Duty during the Continuance thereof, in the Whole or in Part, from Time to Time and at all Times, by Leaſe or otherwiſe, for any Term not exceeding Three Years, at or for the higheſt Rate or Rates he or they can get for the ſame, to ſuch Perſon or Perſons as ſhall from Time to Time give ſuch good and ſufficient Security for paying thereof as ſhall be approved by the ſaid Duke or his Heirs, or by ſuch Perſon or Perſons as may be authorized by him or them to that Effect.

Tolls may be reduced or altered.

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Duke or his Heirs, from Time to Time, as often as he or they ſhall think fit, to leſſen, vary, or alter the ſeveral Tolls hereby granted or made payable, or any of them, and to raiſe the ſame again, ſo as they do not exceed the Tolls by this Act granted or made payable as aforeſaid; but no ſuch Reduction or Alterations ſhall be made unleſs Fourteen Days' Notice in Writing be given for that Purpoſe, by affixing the ſame upon the Toll-Houſe or Turnpike-Gate then erected in purſuance of this Act, and by inſerting ſuch Notice in One or more Newſpapers.

To prevent evading the Tolls.

XVI. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times, unload or cauſe to be unladen any Grain, Goods, Wares, Merchandize, or other Thing whatſoever, or take off any Horſe or Beaſt of Draught from any Coach, Waggon, Cart, or other Wheel Carriage within Five hundred Yards from either End of the ſaid intended Bridge, and carry or cauſe to be carried ſuch Grain, Goods, Wares, Merchandize or other Things ſo to be taken off and unladen either over the ſaid Bridge or acroſs the ſaid River *Tay*, either on Foot or on Horſeback, or on any Waggon, Cart, or other Carriage, or in any Boat or other Veſſel whatſoever, with an Intent to avoid any of the Tolls or Pontage Duties hereby granted or impoſed, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings Sterling; or if any Perſon or Perſons (except the ſaid Duke or his Heirs, or others acting under the Authority and for the Purpoſes of this Act,) ſhall, after the Building and Completing of the ſaid intended Bridge, uſe any Boat, Barge, or other Veſſel, in ferrying or conveying any Perſon's Grain, Goods, Wares, Merchandize or other Thing, acroſs the ſaid River *Tay*, at any Place or Places within Three Miles either above or below the ſaid Bridge, the Owner or Owners of every ſuch Boat, Barge, or other Veſſel, or the Perſon or Perſons employing or uſing

uſing the ſame, ſhall forfeit any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings Sterling for each Offence.

Old Roads to be ſhut up.

XVII. And be it further enacted, That as ſoon as the ſaid Bridge and Roads of Communication ſhall be paſſable for Carriages and Paſſengers, all Roads leading to the ſaid Ferries ſhall and may from thenceforth be ſtopped and ſhut up by the ſaid Duke and his Heirs.

Security to be taken from Treaſurer and Collector.

XVIII. And be it enacted, That the ſaid Duke or his Heirs ſhall take from ſuch Perſon or Perſons as ſhall be from Time to Time reſpectively nominated and appointed Treaſurer or Treaſurers, Collector or Collectors of the Tolls and Pontage Duties hereby granted and made payable, ſuch ſufficient Security for the faithful Diſcharge of his or their Office or Offices as ſhall be approved of by the ſaid Duke or his Heirs.

For getting Materials.

XIX. And be it further enacted, That it ſhall and may be lawful for any Surveyor or Surveyors, or Contractor or Contractors employed to build or repair the ſaid Bridge, and ſuch other Perſon or Perſons as they or either of them ſhall employ or appoint for that Purpoſe, and they are hereby reſpectively authoriſed and empowered, from Time to Time to cut, dig, gather, take, and carry away Stones, Gravel, Sand, Earth, or other Materials proper for building or repairing the ſaid Bridge, or the Making or Repairing the Ways, Roads, or Paſſages to, from, or over the ſame, and for building the ſaid Toll-Houſe in, upon, out of, or from Waſte Grounds, Rivers, or Brooks in the Pariſhes of *Little Dunkeld*, *Dunkeld*, *Caputh*, or *Dowally*, without paying or making any Satisfaction for the ſame, they the ſaid Surveyors or Contractors, or any Perſons employed by them, filling up the Pits or Holes, and levelling the Ground from which ſuch Materials ſhall be ſo taken, or railing or fencing the ſame, ſo as ſuch Pits or Holes be not dangerous to Paſſengers or Cattle, and alſo in, upon, or out of any Lands or Grounds in the ſaid Pariſhes, belonging to any Perſon or Perſons, or Bodies Corporate or Politic whomſoever, (not being the Ground whereon any Houſe or Buildings ſtand, or a Garden, Orchard, Yard, Planted Walk, or Walks, or Avenue to any Houſe, or any Piece or Parcel of incloſed Ground, which before the Commencement of this Act had been planted, ſet apart, or uſed as a Plantation or Nurſery for Trees,) ſuch Surveyor or Surveyors, Contractor or Contractors, or any other Perſon or Perſons employed by them, having an Order from the ſaid Duke or his Heirs for ſo doing, and filling up the Pits or Holes, and levelling the Ground from which ſuch Materials ſhall be ſo taken, and paying to the reſpective Owners and Occupiers of ſuch Land or Grounds the Damages they ſhall reſpectively thereby ſuſtain, and in caſe of any Difference concerning the Amount of ſuch Damages, any Two or more Juſtices of the Peace for the ſaid County of *Perth*, ſhall and may, on Fourteen Days' Notice thereof, to be given by the ſaid Surveyor or Surveyors, Contractor or Contractors, to ſuch Owner or Owners, Occupier or Occupiers, or by ſuch Owner or Owners, Occupier or Occupiers, to the ſaid Surveyor or Surveyors, Contractor or Contractors reſpectively, or to be left at the reſpective Places of Abode with ſome or one of their reſpective Families, hear, ſettle, and determine the Matters in Diſpute, and aſcertain what Damages ſhall be paid; and the

Order and Determination of the ſaid Juſtices ſhall be final and concluſive upon all Parties.

Notice to be given of getting Materials.

XX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons, under the Authority of this Act, to dig, gather, take, and carry away Materials for building or repairing the ſaid Bridge, or making or repairing the ſaid Roads to or from any incloſed Lands or Grounds, until Notice in Writing ſhall have been given to the Occupiers of the Premiſes from which ſuch Materials are intended to be taken or left, for ſuch Occupier, at his uſual Place of Reſidence, to appear before Two Juſtices of the Peace acting for the ſaid County of *Perth*, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, ſuch Juſtices ſhall, if they think fit, authorize ſuch Surveyor or other Perſons to dig, gather, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Juſtice ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended, leaving the Amount of the Recompence for the Damage done to be afterwards ſettled in the Manner before mentioned.

Roads paſſing through Towns or Villages to be wide.

XXI. And be it further enacted, That ſuch Part of the Roads approaching to or communicating with the ſaid intended Bridge as paſs through any Town or Village ſhall not be leſs than Sixty Feet wide.

Puniſhing Perſons damaging the Bridge,

XXII. And for preventing wilful and malicious burning, or otherwiſe damaging or deſtroying the ſaid Bridge or Centres thereof, be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, blow up, pull down, or otherwiſe deſtroy the ſaid Bridge or Centres, or any of them, or any Part thereof, or attempt ſo to do, or ſhall wilfully and maliciouſly, and without Authority from the ſaid Duke or his Heirs, remove, deſtroy, or take away any Materials or Works thereunto belonging, or anywiſe direct or procure the ſame to be done, whereby the ſaid Bridge, Centres, or Works thereof may be damaged, or the Lives of Paſſengers or Workmen endangered, ſuch Offender or Offenders, being lawfully convicted thereof, ſhall be adjudged guilty of Felony.

Or the Toll-Gate, &c.

XXIII. And be it further enacted, That if any Perſon or Perſons ſhall maliciouſly break down or otherwiſe deſtroy the ſaid Toll-Gate ſo to be erected, or any Poſts, Rails, Chains, Bars, or other Parts thereof or adjoining thereto, or damage the ſaid Toll-Houſe, every Perſon ſo offending, and being thereof convicted by the Oath of One or more credible Witneſs or Witneſſes, before any Two or more Juſtices of the Peace of the ſaid County of *Perth*, ſhall not only be condemned to pay the whole Damages and Expences ſuſtained by the ſaid Duke or his Heirs, but alſo be fined in a Sum not leſs than Five Pounds Sterling, and not exceeding Ten Pounds Sterling, and in Default of Payment to be impriſoned for a Term not exceeding Three Months.

XXIV. And

Timber to be floated in Rafts.

XXIV. And be it further enacted, That no Perſon or Perſons ſhall float any Timber upon the ſaid River *Tay*, through any of the Arches of the ſaid Bridge, except the ſame ſhall be faſtened together as Rafts, and attended by One or more Boat or Boats to conduct the ſame; and if any Timber ſhall be floated through the ſaid Arches in any other Manner, or any Damage ſhall be done to the ſaid Bridge, or the Piers thereof, by any ſuch Rafts, the Owner or Owners thereof ſhall not only pay the Damage ſuſtained, but ſhall alſo forfeit and pay any Sum not exceeding Five Pounds Sterling, nor leſs than Forty Shillings Sterling, for every ſuch Offence.

Preventing forcible Paſſage.

XXV. And be it further enacted, That if any Perſon ſhall aſſault any Collector of the ſaid Tolls or Pontage Duties, or by Force paſs through the ſaid Toll-Gate without paying the Toll or Pontage Duties hereby granted, every ſuch Perſon ſo offending, and being thereof convicted upon Oath before any Two or more Juſtices of the Peace of the ſaid County, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings Sterling, to be recovered by Diſtreſs and Sale as aforeſaid.

Or Damage to the Road.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall haul or draw, or cauſe to be hauled or drawn, upon any Part of the ſaid Bridge, or upon any of the ſaid Roads, any Tree or Piece of Timber, or any Stone or other Thing whatſoever, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Tree or Piece of Timber, or any Stone or any other Thing whatſoever, which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of the ſaid Bridge or Roads, every Perſon or Perſons ſo acting ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings Sterling.

Veſting the Bridge in the Duke and his Heirs.

XXVII. And be it enacted, That the Right and Property of the ſaid Bridge ſo to be built or repaired, with the Toll-Houſe and Turnpike-Gate to be built and erected, and the Materials thereof, are hereby veſted in the ſaid Duke and his Heirs; and he or they is and are hereby empowered to bring, or cauſe to be brought, Actions in his or their Name or Names againſt any Perſon or Perſons who ſhall damage the ſame, or diſturb him or them in the Poſſeſſion thereof.

Ferry to be provided in caſe the Bridge ſhould become impaſſable.

XXVIII. And be it further enacted, That in caſe the ſaid Bridge ſhall at any Time or Times be ſo far out of Repair, or be in ſuch Condition that the Paſſage over the ſame ſhall be dangerous, or be prevented, it ſhall be lawful for the ſaid Duke or his Heirs, and he or they is and are hereby required, during the Period that any Tolls or Pontage Duties ſhall be paid for paſſing over the ſaid Bridge, as often as Occaſion ſhall require, to provide One or more proper and convenient Ferry-Boat or Boats for the Paſſage of Perſons, Cattle, and Carriages acroſs the ſaid River *Tay*, at ſuch Place or Places as he or they ſhall judge to be moſt proper or convenient, and as near to the ſaid Bridge as conveniently may be, and to take for Paſſage over the ſaid River by ſuch Boat or Boats, ſuch Tolls or Duties as are hereby directed to be paid for paſſing over the ſaid Bridge; and ſhall and may uſe the ſame Methods for Recovery thereof as are herein preſcribed for recovering the Toll or Pontage Duty for Paſſage over the ſaid Bridge.

XXIX. And

Commencement of the Act.

XXIX. And be it further enacted, That all the Powers hereby granted shall commence on the Third *Tuesday* after the passing of this present Act.

Recovery of Penalties.

XXX. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorised to be imposed in relation to the said Bridge, Tolls, or Pontage Duties, or in any Matter or Thing of and concerning the same, the Manner of recovering and levying whereof is not otherwise particularly directed, shall, upon Proof of the said Offence, before any Two or more Justices of the Peace of the said County of *Perth*, either by the Confession of the Party or other legal Evidence, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hands of such Justices, (which Warrant such Justices are hereby authorised and required to grant for those Purposes, and also to administer Oaths gratis,) such Sale being always made by Public Roup or Auction to the highest Bidder, at such Place as shall be directed by the said Warrant, within Five Days after such Distress shall have been made, and the Overplus Money arising from such Sale (after such Penalties are recovered, and the Charges of levying and recovering the same are deducted,) shall be returned on Demand to the Owner or Owners of such Goods and Chattels, and all Penalties and Forfeitures, if not otherwise directed to be applied by virtue of this Act, shall, from Time to Time during the Continuance of the said Tolls, be paid to the said Duke or his Heirs, and after the Cessation thereof to the Treasurer of the said County, and shall be laid out and applied for the Purposes of this Act, and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not forthwith be paid, it shall be lawful for any Two or more of the said Justices, and they are hereby authorised and required to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol of the said County, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied.

Limitation of Actions.

XXXI. Provided always, and be it further enacted, That all Actions for all and every the Penalties by this Act imposed shall be commenced within Six Calendar Months after the Fact from which the Penalty arises was committed, and not afterwards.

Appeal.

XXXII. And be it enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or other Proceeding of the said Duke or his Heirs, or by any Order of One or more Justice or Justices of the Peace not assembled in Quarter Sessions, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace for the said County of *Perth* at their next General Quarter Sessions assembled, who are hereby authorized and empowered to hear and determine the Matter in Dispute, and whose Order thereon shall be final and conclusive without further Appeal.

Public Act.

XXXIII. And be it further enacted, That this Act shall be deemed a Public Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1803.