ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 20.

An Act to alter and amend Two Acts, passed in the Twentieth Year of His late Majesty and the Forty-third Year of His present Majesty, for maintaining the Public Conduits and other Water Works belonging to the Town of *Southampton*. [24th *March* 1810.]

WHEREAS an Act was passed, in the Twentieth Year of the Reign of His late Majesty, intituled, *An Act for repairing, improving, and maintaining the Public Conduits and other Water Works belonging to the Town of* Southampton: And whereas another Act was passed in the Forty-third Year of His present 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 Water Works belonging to the Town of* Southampton: And whereas the Powers and Provisions of the said Acts, and the Money raised under the same, have by Experience been found wholly inadequate and insufficient for the Purposes intended by the said Acts; and it is therefore become necessary, for the more effectually supplying the said Town with Water, that the said Acts 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 the 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 Fire, and providing Fire Engines and Firemen 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 so much of the said last recited Act as directs that the Churchwardens and Overseers of the several Parishes in the said Town, and such of the Inhabitants as should be rated, and pay towards the Relief of the Poor, should meet in the Vestry Room of their

30 G. 2. c. 15.

43 G. 3. c. 32.

So much of last Act as relates to Mode of

electing Commissioners, &c. repealed.

their respective Parishes, and chuse and appoint the Commissioners for executing the said Acts, and that such Commissioners should remain in Office for the Periods therein mentioned, shall be and the same is hereby repealed.

Mode of Election.

II. And be it further enacted, That on the *Wednesday* next after the passing of this Act, between the Hours of Ten in the Morning and Seven in the Evening, the respective Churchwardens and Overseers of the several Parishes of *Holy Rood*, *Saint Michael*, *All Saints*, *Saint John*, *Saint Lawrence*, and *Saint Mary*, within the said Town 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 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 mentioned in the aforesaid Act, of the Forty-third Year of His present Majesty, of the Inhabitants of the same Parishes respectively, (qualified as is required in the said recited Act of the Forty-third Year of His present Majesty) 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 of the Churchwardens, Overseers, and Inhabitants, or such of them as shall be present at a like Meeting of Vestry as aforesaid to be held for that Purpose, 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 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 in Manner herein-before directed, 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 Manner aforesaid in their Room, and such Elections shall take place at the Expiration of the said Terms respectively, on the *Easter Tuesdays* in the Year when such Terms shall expire, Fourteen Days Notice of all which Elections the Clerk to the Commissioners for the Time being shall give in Writing to the Churchwardens and Overseers of the respective Parishes, under a Penalty not exceeding Forty Shillings for every Neglect or Default, to be levied and applied, and the Offender or Offenders dealt with in the same Manner as the Penalties and Forfeitures and Offender or Offenders by the said recited Act of the Forty-third Year of His present Majesty are directed to be levied and applied and dealt with; 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 Churchwardens, Overseers, and Inhabitants of the Parish for which such

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 to the said Commissioners at their First Meeting next after such Election, under the Penalty for every Default of Forty Shillings, to be levied and applied and the Offender or Offenders dealt with as aforesaid; and the said Churchwardens and Overseers, or some or one of them, shall and are hereby required, under the Penalty aforesaid, 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.

Quorum of Commissioners repealed.

III. And be it further enacted, That so much of the said last recited Act as directs the said Commissioners, or any Seven or more of them, to meet for the due Execution of the said recited Acts shall be, and the same is hereby repealed.

Meetings of Commissioners.

IV. And be it further enacted, That the said Commissioners, or any Five or more of them, are hereby authorized and required to meet at the Audit House, in 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 Five or more of them, shall think necessary and proper, for the due Execution of this Act, and the said recited Acts; 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.

For appointing Officers in case of Vacancies.

V. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to suspend or remove any Treasurer, Engineer, Clerk, Collector, Officer, or Servant of the said Commissioners, for any Neglect, Misconduct, or Inability, and to appoint some other Person in their respective Places, and also to fill up the Vacancies that may occur by Death, Resignation or otherwise; but in case any such new Appointment shall be made by the said Commissioners, or any Five or more of them, the same shall only continue until the next General Meeting of the said Commissioners, when the Appointment

of

of such Person shall either be confirmed, or such other fit Person shall be appointed to succeed to such Office, as the said Commissioners at such General Meeting shall think proper.

Repealing Power of making Rates.

VI. And be it further enacted, That so much of the said last recited Act, as empowers the said Commissioners to make an Assessment upon the Occupiers of Messuages, Tenements, Houses, and other Premises, within the said Town, by an equal Pound Rate, not exceeding Sixpence in the Pound, and as directs that if such Rate should have been less than Sixpence in the Pound, and it should afterwards appear to the said Commissioners that the Produce thereof was not sufficient, it should be lawful for the said Commissioners to make an additional Assessment for the same Year, so as the same should not with the former Rate exceed Sixpence in the Pound in any one Year, shall be, and the same is hereby repealed.

New Assessment.

VII. And be it further enacted, That the Commissioners present at their first Meeting held under this Act, and also at their first Meeting every Six Months thereafter, to be holden in pursuance of this Act, or the major Part of them, not being less than Seven, shall make an Assessment upon all the Occupiers of Messuages, Tenements, Houses, Outhouses, Malthouses, Brewhouses, Wharfs, Storehouses, Stables, or other Buildings, Vaults, Cellars, Yards, Gardens, and Lands occasionally used as Gardens, Nursery Grounds, Backsides, or other Tenements whatsoever belonging thereto, within any of the said Parishes, who shall be rated, and pay to the Poor Rates within the said Town, and also on the Owners of all Messuages, Tenements, Houses, Outhouses, Malthouses, Brewhouses, Wharfs, Storehouses, Stables, or other Buildings, Vaults, Cellars, Yards, Gardens, and Lands occasionally used as Gardens, Nursery Grounds, 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 One Shilling in the Pound, for any one Year of the yearly Value of such Messuages, Tenements, Houses, Outhouses, Malthouses, Brewhouses, Wharfs, Storehouses, Stables, or other Buildings, Vaults, Cellars, Yards, Gardens, and Lands occasionally used as Gardens, Nursery Grounds, Backsides, and other Tenements respectively; and the said Commissioners, or any Seven or more of them, at any Meeting held in pursuance of this Act, are hereby authorised 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 Acts, into Effect; and also to pay and discharge any Monies borrowed, and any Debt or Debts incurred in the Execution of the said recited Acts, that may at the Time of 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 Collector or other Officers appointed for that Purpose.

Not to exceed 1s. in the Pound.

If Rate less than 1s. Commissioners to make up Deficiency.

VIII. Provided always, and be it enacted, That if the Rate assessed in any Six Months shall have been less than One Shilling in the Pound for any one Year of such yearly Value, and it shall afterwards appear to the said Commissioners, that the Produce thereof is not sufficient for the Purposes

Purpoſes of the Execution of this Act, and the ſaid recited Acts, it ſhall be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting or Meetings after ſuch firſt Meeting as aforeſaid, to make a new and additional Aſſeſſment or Aſſeſſments for the ſame Six Months, ſo that the ſame ſhall not, together with the former Rate or Rates, amount to more than One Shilling in the Pound of ſuch yearly Value, for any One Year as aforeſaid.

Perſons omitted to be aſſeſſed how to be rated.

IX. Provided always, and be it further enacted, That if the ſaid Commiſſioners, or any Seven 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 or aſſeſs any Perſon or Perſons liable to be rated and aſſeſſed, or rate any ſuch Perſon or Perſons 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 Seven or more of them, to rate and aſſeſs ſuch Perſon or Perſons ſo omitted, or who ſhall have been underrated, in ſuch Manner as to the ſaid Commiſſioners, or any Seven or more of them, ſhall ſeem juſt; and ſuch Additions or Alterations 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.

Repeal of Clauſe empowering Collectors to levy Rates.

X. And be it further enacted, That ſo much of the ſaid laſt recited Act as authoriſes the Collector of the Rates or Aſſeſſments to levy the ſame, and as directs the ſaid Collector to render to the ſaid Commiſſioners, as often as required by the ſaid Commiſſioners, or any Seven or more of them, a full, true, and perfect Account, in Writing, of all Monies received by him, and to pay over the Money remaining in his Hands, to the Treaſurer of the ſaid Commiſſioners, or ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint to receive the ſame, and as authoriſes the levying the ſaid Rates or Aſſeſſments by Diſtreſs and Sale, ſhall be, and the ſame is hereby repealed.

Collectors empowered to levy Rates.

XI. And be it further enacted, That the Perſon or Perſons to be appointed Collector or Collectors of the ſaid Rates or Aſſeſſments, 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 be lawful 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 Rates or Aſſeſſments, 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 any Warrant of Diſtreſs, or other Proceſs for levying and recovering any Rate made for the Relief of the Poor; 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 Five 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 of the Forty-third Year of His preſent Majeſty, 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 Two 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 Acts; and if the ſaid Collector or Collectors, or any or other 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 liable and ſubject to.

For levying Rate.

XII. 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 Acts, 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 contained in the ſaid recited Act of the Forty-third Year of His preſent Majeſty, under the Hands and Seals of Two or more of His Majeſty's Juſtices of the Peace of 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 Authority of this Act be made, for Non-payment of any of the ſaid Rates or Aſſeſſments hereby directed to be made, or any Part thereof, it ſhall be lawful for the Perſon or Perſons making ſuch Diſtreſs, to raiſe and levy the reaſonable Charges of making and keeping ſuch Diſtreſs, in ſuch Manner and Form, to all Intents and Purpoſes, as the Rates granted in and by the ſaid recited Act of the Forty-third Year of His ſaid preſent Majeſty are therein directed to be recovered.

Repealing Power to borrow Money.

XIII. And be it further enacted, That ſo much of the ſaid laſt recited Act as empowers the ſaid Commiſſioners to borrow any Sum of Money not exceeding Two thouſand Pounds, upon the Credit of the Rates or Aſſeſſments thereby granted, ſhall be, and the ſame is hereby repealed.

Power to borrow Money.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, at any Meeting aſſembled as herein-before 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 Eight thouſand Pounds in Addition to the Sum of Money already borrowed on the Credit of the Rates and Aſſeſſments granted by the ſaid Acts, and by Writing under their Hands and Seals to mortgage or aſſign over the Rates or Aſſeſſments allowed to be raiſed by the ſaid Acts and this Act 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, or any Part thereof, 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, or as a Security for the Payment of any Annuity charged upon the ſaid Rates or Aſſeſſments in reſpect of any Money ſo lent as a Fund, in ſuch Way and in ſuch Manner and Form, to all Intents and Purpoſes as the Money borrowed under the ſaid recited Act was directed to be ſecured, and every ſuch

Grant

Grant ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever, from the Execution thereof, without Inrolment or Regiſtry in any Court or Place whatſoever, 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 out of the ſaid Rates or Aſſeſſments by this Act granted: Provided nevertheleſs, that no greater Sum in the Whole than Eight thouſand Pounds in Addition to the Sum already borrowed, 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 borrowing ſuch Money, or granting ſuch Annuity or Annuities as aforeſaid.

No more than 8,000*l.* to be raiſed on Mortgage or Annuity.

XV. And be it further enacted, That ſo much of the ſaid laſt recited Act as impowers Perſons entitled to Securities for Money borrowed or Annuities granted, to transfer the ſame to any other Perſon, and as preſcribes the Form of ſuch Transfer, and as directs that the ſame ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, and that ſuch Transfers ſhall, within Four Days, be produced to the ſaid Clerk for the Purpoſe of being entered, ſhall be, and the ſame is hereby repealed.

Repealing Mode of transferring Securities.

XVI. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Monies already borrowed by virtue of the ſaid recited Act, or to be hereafter borrowed upon legal Intereſt as aforeſaid, or to be raiſed by the granting of Annuities as aforeſaid, by this Act and their reſpective Executors, Adminiſtrators or Aſſigns, (as the Caſe may be) from Time to Time and at all Times thereafter, by Writing under their Hands and Seals, to transfer ſuch Securities to any Perſon or Perſons whomſoever, which Transfer may be in the Words or to the Effect following; (that is to ſay),

Power of transferring Mortgages or Annuities.

'I *A. B.* being entitled to the Sum of
'or an Annuity of ſecured to *C. D.* and his
'Aſſigns, (*or*, his Executors, Adminiſtrators or Aſſigns, *as the Caſe may be*) by virtue of an Aſſignment or Grant of an Annuity bearing
'Date the Day of under the
'Hands and Seals of Seven of the Commiſſioners acting in the Execution
'of an Act paſſed in the Fiftieth Year of the Reign of King *George* the
'Third, intituled, [*Here inſert the Title of the Act*] do hereby transfer
'all my Right and Title in and to the ſame Sum (*or* Annuity) and
'all Intereſt and other Money now due and owing thereon unto *E. F.* his
'Executors, Adminiſtrators and Aſſigns. Dated the Day of
'in the Year of our Lord .'

Form of Transfer.

And a Copy of every Security and Aſſignment, and of any Grant of Annuity, which ſhall have been made in purſuance of this Act, and an Extract or Memorial of every Transfer thereof reſpectively, ſhall be entered in a Book to be kept for that Purpoſe, by the Clerk to the ſaid Commiſſioners, which Extract and Memorial ſhall ſignify and contain 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

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

and Intereſt or the Annuities thereby reſpectively ſecured, 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 Six Shillings and Eight-pence, and no more; and every ſuch Transfer ſhall within Twenty 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.

Repealing Power for Commiſſioners to contract to ſupply Water.

XVII. And be it further enacted, That ſo much of the ſaid laſt-recited Act as authorizes the ſaid Commiſſioners to contract with any Perſons for ſupplying them with Water by conveying the ſame out of the Reſervoirs into their Houſes ſhall be and the ſame is hereby repealed.

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

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered 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 or their Houſe or Houſes, Outhouſe or Outhouſes at ſuch Sum or Sums of Money by Way of Rent, and on ſuch Terms and Conditions, and to and for ſuch Time or Terms as the ſaid Commiſſioners, or any Five or more of them, at any General or Special Meeting ſhall think fit, provided that all the Coſts and Charges attending the ſame ſhall be borne and paid by the Perſon or Perſons requeſting to have and having ſuch Water as aforeſaid: Provided always, that all ſuch Sum or Sums of Money ſhall be applied to and for the ſame Purpoſes as the Rates herein-before authorized to be raiſed and levied.

Repealing the Clauſe for preventing Water being mixed.

XIX. And be it further enacted, That ſo much of the ſaid laſt recited Act as directs that nothing therein contained ſhould empower the ſaid Commiſſioners, or any Perſons contracting with them, to convey any Water not theretofore uſed in the Supply of the ſaid Town into any Pipe, Reſervoir, or Water Work conveying Water theretofore uſed, ſo as to cauſe or permit the ſame to be mixed, ſhall be and the ſame is hereby repealed.

The Ground broken up for laying Pipes, to be filled in again as ſoon as poſſible,

XX. Provided always, and be it further enacted, That when and as often as any Ground, Road, or Pavement ſhall or may be opened or broken up by the Directions of the ſaid Commiſſioners for laying, taking up, or repairing any Aqueduct, or any Main Pipe or Communicating Pipe, by virtue of the ſaid recited Acts or of this Act, then and in every ſuch Caſe the

the Contractor, or other Perſon or Perſons ſo contracting ſhall, at his or their own Expence, fill or cauſe to be filled in the Ground, and alſo with all convenient Speed cauſe the ſaid Road and Pavements to be repaired and made good, and the Rubbiſh occaſioned by the opening or breaking up the ſame to be carried away, and in the mean Time ſhall cauſe the Place where any Road, Ground, or Pavement ſhall be opened, to be fenced or guarded, and ſet up and maintain a ſufficient Light upon or againſt the ſame every Night and during the whole Night from the Time it becomes dark until the Return of Light, ſo that the ſame may not be dangerous to Paſſengers, Cattle, or Carriages: Provided always, that if there ſhall be any wilful or negligent Delay in the ſaid Contractor, or other Perſon or Perſons ſo to be employed as aforeſaid, in taking up or repairing any of the ſaid Aqueducts or Main Pipes, or any of the ſaid Communication Pipes, or in filling in ſuch Ground, or in fencing in or guarding or lighting the Place where any Ground or Pavement ſhall be opened or broken up as aforeſaid, or in repairing or making good any Road, Ground, or Pavement ſo opened or broken up, or in removing the Rubbiſh occaſioned by opening or breaking up any Road, Ground, or Pavement as aforeſaid, then and in every ſuch Caſe ſuch Contractor, or other Perſon or Perſons as aforeſaid ſo offending, ſhall forfeit and pay for each and every ſuch Offence any Sum not exceeding Five Pounds, to be levied and applied, and the Offender or Offenders dealt with as aforeſaid: Provided always, that if it ſhall be required by the reſpective Commiſſioners or Truſtees for putting in Execution the Acts for paving the ſaid Town and County, that the Roads, Grounds, or Pavements to be opened or broken up from Time to Time for the Purpoſes of this Act within the ſaid Town and County ſhall be opened, broken up, repaired, and made good by the Perſon or Perſons who ſhall be then under any Contract with ſuch Commiſſioners or Truſtees for paving ſuch Town, or repairing the Pavement thereof, or any Part thereof, the ſame ſhall be opened, broken up, repaired, and made good by ſuch Perſon or Perſons, and the Expences thereof ſhall be defrayed by the ſaid Commiſſioners out of the Funds of the ſame, or where the Expences are by virtue of the Proviſions herein-before contained to be defrayed by any Individual or Individuals, and the ſame ſhall and may be ſued for and recovered by ſuch Perſon or Perſons opening or repairing the ſaid Roads or Pavements, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record wherein it ſhall be ſufficient to declare that the Defendants are indebted to the Plaintiff in ſo much Money for Work and Labour done and performed by the Plaintiff for the Defendants: Provided nevertheleſs, that the ſaid Commiſſioners ſhall not be required to employ the Perſon or Perſons ſo contracting with the ſaid Commiſſioners or Truſtees, in caſe ſuch Perſon or Perſons ſhall demand a higher Price for the Work to be ſo performed than according to the Rates ſpecified in the Contract with the ſaid Commiſſioners or Truſtees; and provided alſo that where any ſuch Work ſhall be neceſſary on Account of the burſting of any Pipe, ſuch Perſon or Perſons ſhall begin the ſame within Twelve Hours next after Notice given to him or them by the Agent for the ſaid Commiſſioners, and proceed in it without Delay on Pain of forfeiting for every Offence contrary hereto, any Sum not exceeding Five Pounds, to be levied and applied, and the Offender or Offenders dealt with as aforeſaid: Provided alſo, that no Part of the Pavements of the ſaid Town and County ſhall be broken up (except where a Pipe ſhall burſt) until Twelve Hours Notice ſhall have been given by the Clerk of the Commiſſioners, to the Surveyor of the Commiſſioners or Truſtees

and to be fenced in, &c. to prevent Accidents.

for paving the reſpective Places, within which it ſhall be neceſſary to break up ſuch Pavement, on Pain that every Perſon breaking up ſuch Pavement before ſuch Notice (except as aforeſaid) ſhall have been given, or the Time mentioned therein ſhall have expired, ſhall, for every Offence, forfeit and pay any Sum not exceeding Forty Shillings, to be levied and applied, and the Offender or Offenders dealt with as aforeſaid.

Courſe of Public Sewers not to be altered.

XXI. Provided always, and be it enacted, That the Courſe and Direction of the preſent or any future public Sewer or Drain ſhall not be altered, changed, or interfered with, without Forty-eight Hours Notice being given in Writing to the Clerk for the Time being of the Commiſſioners or Truſtees for putting in Execution the Acts for paving the ſaid Town and County of *Southampton,* or left at his Dwelling Houſe; and that the Commiſſioners ſhall replace and make good ſuch Sewers and Drains, as ſoon as conveniently may be.

For preventing Injury being done to Turnpike Roads.

XXII. Provided always, and it is hereby further enacted, That whenever it ſhall be found neceſſary by the Commiſſioners under the ſaid Acts and this Act, their Agents or Workmen, to lay down, in, upon, or under any Part of any Turnpike Road, ſuch Pipes ſhall be laid down on the Sides of the ſaid Road only and as near the Foot Path as can conveniently be, unleſs in ſuch Caſes where the Intervention of a Common Sewer, or other unavoidable Hindrance or Obſtruction, ſhall make a Deviation neceſſary; and in caſe any ſuch Pipes ſhall be laid down otherwiſe than as aforeſaid, or in caſe any ſuch Pipe or Pipes ſhall happen to break, burſt, or decay, the Surveyor or Surveyors to the Truſtees appointed, or to be appointed for executing any Act or Acts of Parliament, for the Repair of ſuch Roads reſpectively, ſhall give Notice to the ſaid Commiſſioners, or their Agent or Agents, to take up and remove, or repair the ſame; and in caſe they ſhall neglect or refuſe, for the Space of Twenty-four Hours after ſuch Notice, to take up and remove or repair ſuch Pipes, then, and in ſuch Caſe, the ſaid Commiſſioners ſhall forfeit and pay to the ſaid Truſtees the Sum of Forty Shillings, and the like Sum of Forty Shillings upon every Neglect for the Space of Twenty-four Hours, or Refuſal after every ſubſequent Notice, until the ſame ſhall be taken up and removed; and whenever it ſhall be found neceſſary by ſuch Commiſſioners, their Agents or Workmen, to open the Ground in or under any Part of the ſaid Roads, for the Purpoſe of mending or laying their Water Pipes or Plugs, or for any other Purpoſe, the ſame ſhall be done on each Part of ſuch Roads, within the Space of Three Days reſpectively, and the Ground filled and rammed in, and the Road made good; and in caſe the ſaid Commiſſioners, their Agents or Workmen, ſhall neglect or refuſe, by the Space of Twenty-four Hours next after ſuch Pipes ſhall have been laid down or repaired as aforeſaid, to fill and ram in the Ground, and make good the Road in Manner aforeſaid, the Surveyor or Surveyors to ſuch Truſtees reſpectively is and are hereby empowered to cauſe the ſame to be done, and the Expence thereof ſhall be paid by the ſaid Commiſſioners to the ſaid Truſtees, or their Treaſurer for the Time being; and in the mean Time, ſuch Agent or Workmen ſo opening the Ground, ſhall ſecure the reſpective Parts in ſuch Manner, as to prevent any Damage or Inconvenience happening to Paſſengers, Cattle, or Carriages, upon Pain of forfeiting for every ſuch Offence any Sum not exceeding Forty Shillings, to be levied and applied, and the Offender or Offenders dealt with as aforeſaid; and whenever it ſhall happen, that by

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

Engineer to enter any Houſes, &c. to cut off Pipes or turn the Water.

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

Ciſtern to be provided.

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

may

may be lawful to and for the ſaid Commiſſioners, or any Perſon or Perſons acting by virtue of or under the Authority of the ſaid Commiſſioners, to cut and turn off the Water by ſuch Ways and Means as to them or him ſhall ſeem right or proper from the Houſe, Building, or other Premiſes of every ſuch Perſon until ſuch Ciſtern or Ciſterns, and Ball or Stop Cock ſhall be provided, and ſuch Ball or Stop Cock affixed in Manner aforeſaid.

Commiſſioners not anſwerable in their private Capacity.

XXV. Provided always, and be it further enacted, That no Contract which ſhall be made by the ſaid Commiſſioners, or their Succeſſors, for any of the Purpoſes of the ſaid recited Acts or of this Act, ſhall be binding upon the ſaid Commiſſioners, or their Succeſſors, as Individuals, or in their private Capacity; nor ſhall any of the ſaid Commiſſioners, or their Succeſſors, perſonally, or their reſpective Eſtates, be anſwerable for or ſubject to the Payment of any of the Monies borrowed, or to be borrowed, or of the Debts incurred, or to be incurred in the Execution of the ſaid Act of the Forty-third Year of His preſent Majeſty, or of this Act, or of any Mortgages or Annuities granted under the Form of the ſaid laſt recited Act, or to be granted in purſuance of this Act; and that all Money which ſhall be expended by, or recovered againſt any of the ſaid Commiſſioners or their Succeſſors, or their Treaſurer or Clerk, or any other Perſon or Perſons employed by them, by or on Account of any Action, Proſecution, or Appeal, to be brought by or againſt them, or any of them, touching the Execution of the ſaid recited Acts, or of this Act, ſhall be borne and defrayed out of the Money which ſhall come to the Hands of the Treaſurer to the ſaid Commiſſioners, or their Succeſſors, or any other Perſon by virtue of the ſaid recited Act of the Forty-third Year of His preſent Majeſty, or of this Act.

Saving the Rights of the Corporation.

XXVI. 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.

Plaintiff not to recover without Notice,

XXVII. Provided always, and be it enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing of ſuch intended Action ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action, ſhall have been given to the Defendant or Defendants, or left at his, her, or their then laſt or uſual Place of Abode, or if the Commiſſioners ſhall be Defendants, to their Clerk, or left at his uſual Place of Abode, Twenty-one Days before ſuch Action ſhall be commenced.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1810.