ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. xcvi.

An Act for maintaining the public Conduits and other Waterworks belonging to the Town of *Southampton*, and for providing an additional Supply of Water for the Inhabitants of the said Town and Neighbourhood. [4th *July* 1836.]

WHEREAS the Town of *Southampton* in the County of the same Town is an ancient Sea Port, the Inhabitants whereof were for a long Series of Years supplied with fresh Water brought from several Springs and Conduit Heads, and a Conduit House and an adjacent Pump, at some Distance from the said Town, by Leaden Pipes, to Four public Conduits known by the Names of *All Saints Conduit, Holy Rood Conduit,* the *Friery Conduit,* all situate in the *High Street* of the said Town, and *God's House Conduit,* situate at the lower End of the said Street, and to a Water House called *Houndwell House,* situate in a Common Meadow or Field called *Houndwell Field,* near the said Town: And 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* 20 G. 2.
maintaining the public Conduits and other Waterworks belonging to the c. 15.
Town of Southampton: And whereas another Act was passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act* 43 G. 3.
made in the Twentieth Year of the Reign of His late Majesty, for c. 32.
repairing, improving, and maintaining the public Conduits and other Waterworks belonging to the Town of Southampton: And whereas

50 G. 3. c. 20.

another Act was passed in the Fiftieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain 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 Waterworks belonging to the Town of* Southampton: And whereas under and by virtue of the said Acts the said Pump and public Conduits and Water House have been removed, and more than Forty public Conduits have been from Time to Time erected in more convenient Parts of the said Town, and other Improvements have been from to Time to Time effected by the Commissioners acting in the Execution of the said Acts, and Reservoirs have been established by them on the Common near *Southampton*, and a considerable Sum of Money has been borrowed for those Purposes by the said Commissioners upon the Security of the Rates authorized by the said Acts to be collected, which Money is still due and owing: And whereas the Powers and Provisions of the said Acts, and the Money raised under and by virtue thereof, have been found inadequate and insufficient for the Purposes thereby intended, and it has become necessary, with a view of meeting the increased Demand, that a more abundant Supply of Water should be obtained, and which it has been ascertained may be readily procured by means of boring in the *Southampton Common* near *Southampton*, adjacent to the present Reservoirs there, and it is also expedient that Powers should be granted for the more effectual Prevention and Extinguishment of Fires, and that a further Sum of Money should be raised for carrying the before-mentioned Purposes into effect: And whereas it would be more convenient if the said recited Acts passed in the Twentieth Year of His said late Majesty King *George* the Second, and in the Forty-third and Fiftieth Years of the Reign of His said late Majesty King *George* the Third, were repealed, and new Powers and Provisions granted and made instead thereof, as well for the Maintenance of the said public Conduits and Waterworks, and for the Extension and Improvement of the same, as for providing an increased Supply of Water for the Use of the Inhabitants of the said Town and Neighbourhood, and for the other Purposes herein-after mentioned: 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 immediately after the Second *Monday* next after the passing of this Act the said several herein-before recited Acts of the Twentieth Year of the Reign of His late Majesty King *George* the Second, and the Forty-third and Fiftieth Years of the Reign of His late Majesty King *George* the Third, and all and every the Powers and Authorities, Matters and Things therein respectively contained, shall be and the same are hereby repealed, and this Act shall thenceforth commence and take effect instead thereof.

Recited Acts repealed, and this Act to take effect.

Meaning of certain Words in this Act.

II. And be it further enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Words

Words "the Commissioners," without any special Addition, shall mean the Commissioners for the Time being acting in the Execution of this Act; the Word "Corporation," whether in the Singular or Plural, shall include Bodies Politic, Corporate, and Collegiate, Ecclesiastical and Lay, Aggregate and Sole; the Word "Penalty," whether in the Singular or Plural Number, shall include Penalties, Fines, and Forfeitures of a pecuniary Nature; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall be applied to One Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Arrears of Rate under former Act to be recovered under this Act.

III. And be it further enacted, That if any Rates or Assessments, or any Arrears of Rates or Assessments, laid or assessed, or any Sums of Money whatsoever payable, by virtue of the said recited Acts hereby repealed, or any of them, shall at the Time of the commencing of this Act remain due from or unpaid by any Person whomsoever, such Person shall remain and be liable to the Payment thereof notwithstanding the Repeal of the said recited Acts; and all such Rates and Assessments, and Arrears of Rates and Assessments, or Sums of Money, shall be paid to and received by the Commissioners for executing this Act, or their Treasurer, Clerk, or Collector, and shall and may be recoverable and be recovered in the same Manner and by the same Ways and Means as if such Rates or Assessments, Arrears of Rates or Assessments, or Sums of Money, had been laid or assessed or become due under or by virtue of this Act.

Present Officers to continue until new ones elected.

IV. And be it further enacted, That every Clerk, Collector, and other Officer, except the Treasurer, appointed under and by virtue of the said Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom respectively by the Commissioners for executing this Act; and every such Clerk, Collector, and other Officer shall have the like Powers and Authorities for the Purposes of this Act, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed under or by virtue of this Act.

Officers under recited Acts to account to Commissioners.

V. And be it further enacted, That each and every Treasurer, Clerk, Collector, Surety, or other Person in whose Hands, Custody, or Control any Money received or collected under or by virtue of the said recited Acts, or any of them, shall be at the Time of the passing of this Act, shall be and remain liable to pay, deliver up, and account for the same to the Commissioners for executing this Act, as if such Money had come to the Hands, Custody, or Control of any or every such Treasurer, Clerk, Collector, Surety, or other Person by virtue of this Act; and all Contracts, Bonds, and Agreements entered into by the Commissioners acting by or under the hereinbefore recited Acts, or any of them, with any Person whomsoever, and all Contracts, Bonds, and Agreements entered into by any Person with the said Commissioners or any of them, shall, notwithstanding the Repeal of the said Acts, subsist and continue in force in such Manner

Contracts, Bonds, &c. made under recited Acts to remain in force.

Manner as, according to the Tenor thereof respectively, the same would have subsisted and continued in case the said recited Acts had not been repealed; and it shall be lawful for the Commissioners under this Act to sue and be sued upon the same respectively, in such Manner and under the same Regulations as the said Commissioners are herein-after authorized to sue and be sued; and this Act, and also the Rates or Assessments hereby respectively granted or authorized to be raised and received, shall be and are hereby respectively made subject and liable to the Payment as well of all Monies which have been borrowed and are now due and owing on the Credit or on account of the respective Rates granted or authorized to be received by or by virtue of the said recited Acts, or any of them, together with all Interest due and to grow due thereon respectively, as also of all Monies which may be borrowed on the Credit or on the account of the respective Rates or Assessments hereby granted or authorized to be continued or received, together with all Interest to become due in respect thereof, as fully and effectually to all Intents and Purposes whatsoever as if such Monies respectively had been wholly borrowed and become due and owing on the Credit or on account of the Rates or Assessments hereby granted or authorized to be received.

Acts and Proceedings of certain Commissioners who may have acted without having been duly qualified to be valid.

VI. And whereas it is by the said recited Act of the Forty-third Year of the Reign of His late Majesty King *George* the Third enacted, that no Person should be elected a Commissioner for executing the said recited Acts unless he should be rated and pay towards the Relief of the Poor of the Parish in which he should be chosen, and unless he should be so rated and pay to the Relief of the Poor in respect of some Estate in some One or more of the Parishes therein mentioned valued in such Rate at Twenty-five Pounds *per Annum* or upwards: And whereas some Persons have been elected Commissioners under the herein-before recited Acts, and have acted as such, respecting whose Qualification Doubts have been entertained, by reason of such Persons having been rated jointly with other Persons, and it is expedient that such Provision should be made in that Behalf as is next herein-after mentioned; be it therefore enacted, That in case any Person shall previously to the passing of this Act have acted as a Commissioner in the Execution of the herein-before recited Acts, or any of them, or taken any Part in the Proceedings of the Commissioners at any Meeting or Meetings of the said Commissioners without having been duly qualified according to the Directions of the said Acts, all the Acts and Proceedings which have been done or had at the several Meetings at which any such Commissioner was present shall, notwithstanding such Commissioner may not have been duly qualified as aforesaid, be good, valid, and effectual to all Intents and Purposes whatsoever.

Defining the Limits of the Act.

VII. And be it further enacted, That the Limits of this Act, and the Jurisdiction of the Commissioners acting in the Execution thereof, shall comprise the whole of the Town and County of the Town of *Southampton* and Liberties thereof: Provided always, that, subject to the Provision herein-after contained, nothing in this Act contained shall extend or be construed to extend to charge any Messuages, Houses, or Parts of Houses, Grounds, Buildings, or other Hereditaments

ments whatsoever in the Tithing of *Portswood*, or on the Town Common, or on the Estates of *Northam* and *Padwell*, with any of the Rates or Assessments hereby directed to be raised.

Tithing of Portswood, &c., may be included within the Operation of the Act, upon certain Conditions.

VIII. Provided always, and be it further enacted, That if at any Time hereafter Two Thirds in Number and Value of the Owners in Fee of the Houses and Lands standing and being within any or either of the several Districts or Places herein-after mentioned, (that is to say,) the Tithing of *Portswood* aforesaid, the Town Common, or the Estates of *Northam* and *Padwell* aforesaid, or of the Houses and Lands standing and being within *Four Posts*, *Hill*, and *Sidford Cockrode's*, and *Whithed's Wood*, in the Parish of *Millbrook* in the County of *Southampton*, shall be desirous of taking the Benefit of this Act, and of being supplied with Water under the Provisions thereof, and shall respectively signify the same under their Hands to the said Commissioners, and the said Commissioners at any General or Special Meeting to be held in pursuance of this Act shall approve thereof, then all the Powers and Authorities by this Act granted shall have relation to the several Districts or Places herein-before mentioned, or any or either of them, as the Case may be, as fully and effectually as if the said Districts or Places, or such of them the Owners of the Houses and Lands within which shall have signified such Desire as aforesaid, had been comprised within the original Limits of this Act as herein-before set forth; and it shall be lawful for the said Commissioners to make an Assessment upon the Occupiers or Owners, as the Case may be, of all Messuages, Lands, and other Hereditaments within the said respective Districts or Places, to the same Extent and in the same Manner as if such Messuages, Lands, and Hereditaments had been comprised within the said original Limits of this Act: Provided always, that in case the Owners in Fee of the Houses and Lands, either at *Four Posts*, or *Hill*, and *Sidford*, or *Cockrode's*, or *Whithed's Wood*, should at any Time take the Benefit of this Act by virtue of the Provision lastly herein-before contained, then and in such Case the Owners of the Houses and Lands within such Place or District shall have the Power of electing One Commissioner in addition to the Commissioners herein-after appointed; and in case the Owners in Fee of the Houses and Lands in all the before-mentioned Places or Districts, or in any Two or more of them, should at any Time take the Benefit of this Act, then and in such Case the Owners of the Houses and Lands within such several Places or Districts shall have the Power of electing Two Commissioners in addition to the Commissioners herein-after appointed; and such Commissioner or Commissioners (as the Case may be) shall be subject to the same Provisions with respect to Qualification, Disqualification, Mode of Election, and otherwise, as the Twenty-six Commissioners herein-after appointed and authorized to be from Time to Time elected, excepting only that such Commissioner or Commissioners shall be an Inhabitant or Inhabitants of the before-mentioned Places or Districts, instead of being an Inhabitant or Inhabitants of the Town and County of the Town of *Southampton*, and shall be elected in the Parish of *Millbrook* instead of the Parishes or Places herein-after mentioned.

Commissioners.

IX. And be it enacted, That the Mayor, Recorder, Aldermen, and Councillors for the Time being of the Town of *Southampton*, together

gether with Twenty-six of the Inhabitants of the said Town, qualified and to be elected as herein-after is mentioned, and their Successors respectively, shall be and they are hereby appointed Commissioners for carrying this Act into execution, and such Commissioners shall be called and known by the Name of "The Commissioners of the Waterworks of the Town of *Southampton*."

Qualification of Commissioners.

X. And be it enacted, That no Person, whether he shall be a Commissioner by virtue of his Office as aforesaid, or by Election in manner herein-after described, shall be capable of acting as a Commissioner in any Case in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Profit under this Act (except the Office of Treasurer), nor in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in question, either touching any Contract relating to the Execution of any of the Powers of this Act, or otherwise (except as a Creditor on the Rates or Assessments), nor in the Case of a Commissioner by Election unless he shall be an Inhabitant of the said Town of *Southampton*, and shall reside within the Parish for which he shall be elected, nor unless he shall then be and shall have been for One Year at least previous to his Election as such Commissioner a Tenant or Occupier of Land, Houses, Shops, or other Buildings situate in the said Town and County, such Land, Houses, Shops, or other Buildings in respect of which he shall claim to be qualified at the Time of his Election being either wholly in the Parish for which he shall be so elected, or partly in that Parish and partly in some other Parish or Parishes within the said Town and County, and such Person being rated to the Relief of the Poor in respect of such Premises at the annual Sum of Twenty-five Pounds at the least, nor until he shall have made and subscribed a Declaration in the Form of Words following (of which and of the Date of making the same an Entry or Minute shall be made in the Book of Proceedings of the Commissioners); that is to say,

Declaration.

'I do solemnly and sincerely declare, That I will truly and impartially, according to the best of my Skill and Judgment, execute and perform the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], and that I am duly qualified as a Commissioner under the said Act.'

Provided always, that if any House, Shop, or other Property rated to the Relief of the Poor at the annual Sum of Twenty-five Pounds or upwards shall be in the Occupation of Two or more Persons as Copartners, and such Rate shall be paid out of the Partnership Funds, any One of the Persons being a Partner in such Firm shall, if qualified in other respects, be capable of being elected and of acting as a Commissioner under this Act.

Commissioner being a Justice may act.

XI. And be it enacted, That it shall be lawful for any Commissioner who shall be in the Commission of the Peace to act as Justice of the Peace in the Execution of this Act notwithstanding his being a Commissioner.

XII. And

Disqualification of Commissioners.

XII. And be it enacted, That if any Commissioner to be elected by virtue of this Act shall cease to be an Inhabitant of the Parish for which he shall be chosen, or shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or shall neglect for the Space of Six Calendar Months in succession to attend the Meetings of the said Commissioners, then and in every such Case such Person shall thereupon become disqualified, and shall cease to be a Commissioner under this Act; but every Person so becoming disqualified and ceasing to be a Commissioner on account of his ceasing to be an Inhabitant of the Parish for which he shall be chosen may on his returning to reside in such Parish be capable, if otherwise qualified, of being re-elected a Commissioner; and every Person becoming disqualified on account of his being declared a Bankrupt, or of his applying to take the Benefit of any Act for the Relief of Insolvent Debtors, or having compounded with his Creditors as aforesaid, shall on obtaining his Certificate, or on Payment of his Debts in full, be capable, if otherwise qualified, of being re-elected a Commissioner; and every Person becoming disqualified on account of his having neglected to attend the Meetings of the Commissioners for Six Calendar Months as aforesaid shall be capable of being re-elected a Commissioner, provided he shall then be otherwise qualified.

Penalty on disqualified Persons acting as Commissioners.

XIII. And be it enacted, That if any Person not being qualified as aforesaid, or not having made and subscribed such Declaration as aforesaid, or being or becoming in any Manner disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall, for every Occasion on which he shall so act, forfeit and pay the Sum of Five Pounds: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified, done previous to his being convicted, shall be as valid and effectual as if such Person had been duly qualified as aforesaid; and in case such Commissioner shall establish his Qualification on any such Occasion as aforesaid, and shall not recover his Costs to which he may be subjected thereby, he shall be entitled to receive the same by the Order of the said Commissioners from the Treasurer, out of the Rates to be levied under the Authority of this Act.

Mode of Election of Commissioners.

XIV. And be it further enacted, That on the first *Thursday* next after the Commencement of this Act, between the Hours of Ten in the Morning and Seven in the Evening, the respective Churchwardens and Overseers for the Time being of the several Parishes of *All Saints*, *Saint Mary*, *Holy Rood*, *Saint Michael*, *Saint Lawrence*, and *Saint John*, within the said Town and County, 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 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 respectively, nominate, choose, and appoint

appoint Eight Commissioners by and out of the Inhabitants of the Parish of *All Saints*, Six Commissioners by and out of the Inhabitants of the Parish of *Saint Mary*, Four Commissioners by and out of the Inhabitants of the Parish of *Holy Rood*, Four Commissioners by and out of the Inhabitants of the Parish of *Saint Michael*, Two Commissioners by and out of the Inhabitants of the Parish of *Saint Lawrence*, and Two Commissioners by and out of the Parish of *Saint John*; and such Persons so nominated, chosen, and appointed shall be Commissioners of the Waterworks of the said Town, and shall remain Commissioners until *Easter Tuesday* which will be in the Year of our Lord One thousand eight hundred and thirty-nine, when One Half of the Commissioners chosen in each Parish shall retire from Office by Ballot, and a like Number shall be elected in each Parish Commissioners in their Stead, in manner herein-before described; and the remaining Half of the said Commissioners shall continue Commissioners until *Easter Tuesday* which will be in the Year of our Lord One thousand eight hundred and forty-two, when they shall retire from Office, 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 of Six Years shall expire; and the Clerk to the Commissioners for the Time being shall cause Notice of all such Elections to be given in One or more Newspaper or Newspapers circulated in the said Town and County of *Southampton*, and shall also cause a Copy of such Notice to be fixed on the principal outer Door of every Church and Chapel of Ease of the respective Parishes within the said Town and County, and also on the Front of the Market Place in the *High Street* of the said Town, and also on the Town Hall, Fourteen Days at the least previous to every such Election; and if the said Clerk shall neglect to cause the said Notice to be inserted in such Newspaper or Newspapers as aforesaid, and affixed as aforesaid, he shall for every such Neglect forfeit and pay the Sum of Forty Shillings, to be levied and applied in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and applied: Provided always, that at every such Meeting the Minister for the Time being of each Parish, in case he shall be present, shall be the Chairman, or in his Absence any Person qualified to vote at such Election, to be chosen by the Persons present, shall preside as Chairman; and whenever there shall upon any Question be an equal Number of Votes, including the Vote of the Chairman, the Chairman shall have an additional or casting Vote.

Former Commissioners may be re-elected.

XV. Provided always, and be it further enacted, That at every Election or Appointment of Commissioners any former Commissioner shall be re-eligible to the Office again immediately or at any Time afterwards, notwithstanding his Time of Service shall have expired, or notwithstanding his having forfeited the Office by reason of Disqualification, in case he shall be then duly qualified.

For supplying occasional Va-

XVI. And be it further enacted, That if any Commissioner, not being a Commissioner by virtue of his Office, shall die, or by Writing under

under his Hand, delivered to the said Commissioners or their Clerk, shall resign, or shall cease to reside in the Parish for which he shall be chosen, or decline to act, or become incapable to act, or become bankrupt or insolvent, or shall neglect to make and subscribe the Declaration herein-before mentioned, or shall cease to be qualified in manner aforesaid, then and in any of the said Cases the Place of such Commissioner is hereby declared to be vacant, and the Persons qualified to vote as aforesaid shall at the next *Easter Tuesday* elect so many Persons qualified as aforesaid to be Commissioners to fill up the Vacancies so occasioned: Provided always, that in case the Number of the elected Commissioners shall at any Time be reduced to Eighteen a Special Meeting may be appointed, of which the like Notice shall be given by the Clerk to the said Commissioners as herein-before is directed, at which Special Meeting new Commissioners may be appointed to fill such Vacancies; and every Person so to be elected is hereby invested with the same Powers for putting this Act into execution as any other Commissioner. Vacancies in the Number of Commissioners.

XVII. And be it enacted, That the Commissioners shall hold their First Meeting for the Execution of this Act at the Audit House of and within the Town of *Southampton* aforesaid within One Calendar Month next after the passing of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon, or on such other Day and Time as the Commissioners, or any Five or more of them, although not assembled at a Meeting, shall think fit to appoint, by Notice in Writing to be affixed at the Front Entrance to the Market Place in the High Street of the said Town, or in some other conspicuous Places within the said Town, at least Three Days before the Day of Meeting; and after such First Meeting the Commissioners shall and they are hereby required to meet once in every successive Calendar Month throughout the same and every succeeding Year; and the said Commissioners, or any Three or more of them, or the Clerk to the said Commissioners, may adjourn such Meetings from Time to Time as may be found expedient; but no Adjournment shall at any Time or under any Circumstances be made for any longer Time than Four Weeks. First and other Meetings.

XVIII. And be it enacted, That if it shall at any Time be thought necessary to hold a Meeting in the Interval between the Days appointed for holding Meetings, or previous to the Day to which the said Commissioners may have adjourned, then and in every such Case it shall be lawful for the Commissioners, or any Five or more of them, or for their Clerk, at the Request in Writing of any Five or more of the Commissioners, and they or he are and is hereby required, to call a Special Meeting, of which Two Days previous Notice at the least shall be given by the Clerk, stating the Business proposed or intended to be done at such Special Meeting: Provided always, that no other Business shall be transacted at any such Special Meetings as aforesaid than what shall have been specified in such Notices as being the Purpose for which such Meeting shall be called. Provision for calling Special Meetings.

XIX. And be it enacted, That the Powers and Authorities by this Act given to, and all the Provisions, Matters, or Things by this Act directed and authorized to be done, performed, or executed by or with Proceeding by Five or more Commissioners

to be as valid as if all the Commissioners had acted, except where directed to be done by any other Number.

with relation to or before the Commissioners for executing the same, shall and may be done, performed, and executed by, with relation to, or before any Five or more of the Commissioners assembled at any Meeting to be held in pursuance of this Act, and the same shall be of as full Force and Effect as if performed, executed, or done by, with relation to, or before all the Commissioners, (except only in such Cases in which any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be done, performed, or executed by or with relation to or before any other Number of Commissioners, or in any other Manner,) and all Acts, Orders, Proceedings, and Determinations of the Commissioners acting in the Execution of this Act, made or done at any such Meeting consisting of Five or more Commissioners, wherein the major Part of the Commissioners present at such Meeting shall concur, shall be as valid and effectual as if all the Commissioners present at such Meeting had concurred therein; and at all such Meetings the Mayor for the Time being of the said Town of *Southampton*, or in his Absence the late Mayor of the said Town, shall be the Chairman, or in the Absence of both of them then some One of the Commissioners shall be appointed Chairman by the Majority of the Commissioners then present; and in all Cases where there shall be upon any Question an Equality of Votes, including the Vote of the Chairman, such Chairman shall have an additional or casting Vote.

Chairman to have casting Vote.

No Order to be revoked or altered except after special Notice, nor unless a greater Number of Commissioners are present.

XX. And be it enacted, That no Order, Appointment, or Proceeding whatever made at any Meeting of the Commissioners holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless at a Meeting holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration proposed or intended to be made, signed by One or more of the Commissioners, or by the Clerk to the Commissioners, shall be given at least Seven Days before such subsequent Meeting, nor unless a Majority of the Commissioners present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, nor unless Two Thirds in Number of the Commissioners shall be present at such subsequent Meeting.

Commissioners may appoint Committees.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint, out of their own Body, One or more Committee or Committees, with such Powers and Authorities as the said Commissioners shall think proper to delegate or intrust to them; and all Matters and Things which the said Commissioners shall in Writing order and direct to be done by such Committee or Committees shall and may, by virtue of such Orders, be done by such Committee or Committees; and it shall be lawful for the said Commissioners to break up and dissolve any such Committee, and to remove or displace any of the Members thereof, and to appoint others in their Place and Stead, or to appoint from Time to Time One or more other Committee or Committees in manner aforesaid, with such and the like or any other Powers or Authorities, when and so often as the said Commissioners shall think expedient.

Appointment of Officers.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners at a General Meeting, or at a Special Meeting to be

be called for that Purpose, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and also a Clerk or Clerks, and One or more Collector or Collectors of the Rates to be raised by virtue of this Act, and a Surveyor or Surveyors, and such other Officers as the said Commissioners shall think necessary to employ for any of the Purposes of this Act; and the said Commissioners are hereby required to take Security from the Treasurer, Collector, and such other Officers as shall be entrusted with the Collection or other the Receipt and Disbursement of Money, for the due Execution of his Office; and it shall be lawful for the Commissioners from Time to Time to remove and displace any of such Officers, and to nominate and appoint another or others in the Room or Place of any of them who shall die, resign such Office, or become incapable of acting therein, public Notice of the Time and Place of Meeting for the Purpose of filling up every such Vacancy thereby occasioned being first given by affixing a Notice in Writing thereof on the Front of the Market Place in the High Street of the said Town, or in some other conspicuous Places within the said Town, at least Seven Days before the Day appointed for holding the Meeting for such Election, and out of the Monies to be raised as hereinafter mentioned to pay such Salaries, and make such Allowances, either permanently or in Cases of Accidents or other Casualties, to such Officers respectively, and also to such other Persons as shall be aiding or assisting the Commissioners in the Execution of this Act, as to the said Commissioners shall from Time to Time appear reasonable: Provided always, that no Commissioners shall vote in the Election of any Officer to be appointed under this Act, unless such Commissioners shall have attended Three Meetings or adjourned Meetings at least within the Six Months immediately preceding the Day of such Election.

Clerk not to be Treasurer, and vice versâ.

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

XXIV. And

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

XXIV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Treasurer, or in the Name of any One of the Commissioners; and 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 or any Commissioner, 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 or any Commissioner, 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, or such Commissioner, shall be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk or Treasurer or Commissioner 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 reason of his being so made Plaintiff or Defendant.

Officers to account.

XXV. And be it further enacted, That every Officer and Person who shall be appointed and employed by virtue of this Act shall from Time to Time, when thereunto required by the said Commissioners, make out and deliver to the said Commissioners, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such Account shall state how, and to whom, and for what Purpose, the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Commissioners, or to such Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Persons as they shall appoint, within Seven Days after being thereunto required by the said Commissioners, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Commissioners, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such

such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods or Chattels shall not be found to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to any Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Commissioners for such Money and Charges, and have paid the Composition Money to the said Commissioners, (and which Composition the said Commissioners are hereby empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Commissioners: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Commissioners to cause Accounts to be kept.

XXVI. And be it further enacted, That the said Commissioners shall cause a Book to be kept, in which shall be entered true and regular Accounts of all Sums of Money received and expended for or on account of the said Waterworks, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall at all reasonable Times be opened to the Inspection of all Persons rated under or by virtue of this Act, on Payment of the Sum of One Shilling for every such Inspection, and such Persons may take Copies of or Extracts from such Book, upon Payment of the Sum of Sixpence for every One hundred Words of such Copies or Extracts; and the said Book shall also at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of the said recited Acts or of this Act, without Fee or Reward; and the said Loan Creditors or any of them may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the Person having the Care or Custody of the said Book shall refuse to permit or shall not permit such respective Persons, or any of them, to inspect such Book, or to take such Copies or Extracts as aforesaid, such Person shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed

rected to be levied and applied; and the said Commissioners shall in the Month of *January* in every Year cause the said Accounts to be examined and balanced up to the Thirty-first Day of *December* preceding, and also shall in the Month of *July* in every Year cause the said Accounts to be examined and balanced up to the Thirtieth Day of *June* preceding, and shall cause the said Two several Accounts, or Abstracts thereof, to be published once in the Month of *August* following in some One or more Newspaper or Newspapers circulating in the Town and County of *Southampton*.

Orders, Proceedings, &c. to be entered in a Book.

XXVII. And be it further enacted, That the Orders and Proceedings of all Meetings of the Commissioners shall be entered in some Book to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without due Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners, or of the Signature of such Chairman, as the Case may be, all of which last-mentioned Acts shall be presumed.

Notice of Meetings, &c. to be given by the Clerk.

XXVIII. And be it further enacted, That all Notices by this Act directed to be given to the Commissioners or to any other Person (and which are not by this Act otherwise directed or provided for) shall be given to the several Commissioners and other Persons in the Name of the Clerk to the Commissioners, by sending such Notices by Post, or by the Delivery thereof to such respective Commissioners or other Person in Person, or by leaving the same at the last known or usual Place of Abode of the Commissioners or other Person respectively; and Notices so left shall be deemed and considered the same as personal Notices; and all other Notices authorized or directed by this Act to be given by any Person to the Commissioners shall and may be delivered to their Clerk personally, or be left at his Office or other Place of Business.

Works vested in Commissioners.

XXIX. And be it further enacted, That from and after the Commencement of this Act the Property of and in all the Conduits, Pipes, Water Houses, Reservoirs, and other Waterworks 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 whatsoever Description heretofore provided, or which may be hereafter provided for any of the Purposes of this Act, and all the Springs and Water now belonging or hereafter to belong to the said Commissioners, shall be and they are hereby vested in the Commissioners for executing this Act; and the said Commissioners

Commissioners empowered to bring Actions or prefer Indictments.

are hereby authorized and empowered to bring or cause to be brought any Action in the Name of their Treasurer or Clerk for the Time being, or to prefer and prosecute any Bill of Indictment, as the Case shall require, against any Person who shall steal, take, or carry away any Part 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 shall have full Power and

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 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 authorized to be made are directed to be applied. Commissioners may sell old Materials.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to continue and maintain the present Conduits, Reservoirs, and other Waterworks belonging to the said Town, and to improve and extend the same, and particularly to enlarge the present Reservoirs on the Common near *Southampton*, and to build, erect, construct, and maintain such other Reservoirs or Waterworks on the said Common as may be necessary or convenient, and as the said Commissioners shall think proper, for furnishing an additional Supply of Water, and from Time to Time to alter, repair, or discontinue the same Works, or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for constructing, continuing, maintaining, altering, repairing, or using the said Works, and also to collect and raise Water by boring in and under the said Common, or by such other Ways and Means as they may from Time to Time think proper, and to take and use any Spring or Streams of Water which may be found in constructing the said Works, they the said Commissioners doing as little Damage as may be, and making Compensation for any Injury that may be sustained by any Persons or Corporations by the Exercise of such Powers, and to convey such Water through or under the several Streets, Roads, Lanes, and other Places within the Limits of this Act, or any of the public Roads adjoining the said Town and County, or Liberties thereof, for the Purpose of supplying with Water the Inhabitants of the said Town: Provided always, that it shall not be lawful for the said Commissioners to take or use any Part of the said Common for the Extension or Enlargement of the present Reservoirs, or for the Construction of new Reservoirs, without the Consent of the Mayor, Aldermen, and Councillors for the Time being of the Town of *Southampton;* and in case any Part of the said Common shall be appropriated for an Extension or Enlargement of the said present Reservoirs, or for the Construction of new Reservoirs, the same shall not be used for any other Purpose whatever; and in case any such Land already so appropriated, or which shall be so appropriated, shall at any Time hereafter cease to be used for the Purposes of this Act, the same shall be thrown open and shall again form Part of the said Common, and be filled up and restored as near as can be to its original State, in such and the same Manner as if it had never been made use of for the Purposes of the said Waterworks. Empowering Commissioners to maintain and extend the Waterworks.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, subject nevertheless to the Superintendence and under the Direction of the Surveyors of the Highways, to open and break up the Pavement and Surface in and of the several Highways, Streets, and other public Places within the said Limits, and also any Sewers or Drains therein, and also to enter Power to open the Surface of Highways, Streets, &c. and to lay down Pipes.

enter into and upon and to open and break up any private Grounds within the said Limits, and to lay and place within such Limits Pipes, Conduits, and other Apparatus and Conveniences, and to do all other Acts which they shall from Time to Time deem necessary for supplying Water to the Inhabitants of the said Town and County, according to the true Intent and Meaning of this Act; and also from Time to Time, subject as aforesaid, to open and break up such Pavement, Surface, Sewers and Drains, and private Grounds, for the Purpose of repairing, altering, or removing any such Pipes, Conduits, Apparatus, and Conveniences, they the said Commissioners doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any Damage that may be done in the Exercise of such Powers.

Power to contract for the Works.

XXXII. And be it further enacted, That the said Commissioners may and they are hereby empowered from Time to Time, as Occasion shall require, to contract with any Person for the repairing or altering and enlarging the present Waterworks of the said Town, and for constructing new Works, and to agree or contract with any Person for bringing and conveying into the present or any future Reservoirs in the said Town belonging to the said Commissioners a further and better Supply of good and wholesome Water: Provided that no such Contract shall be entered into unless Fourteen 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 willing to enter into any such Contract may deliver Proposals for that Purpose: Provided also, that such Contract shall not be for a longer Term than Twenty-one Years, and shall not have the Effect of alienating or otherwise interfering with the Right of Assessment or collecting of Rates vested in the Commissioners by virtue of this Act.

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

XXXIII. 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 or them with Water, by conveying the same out of and from the Reservoirs or Pipes of or 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 for such Time or Times, as the said Commissioners, or any Three 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 also, that all such Sums of Money shall be applied to and for the same Purposes as the Rates herein-before authorized to be raised and levied are directed to be applied.

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

XXXIV. 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 this Act, then and in every such Case

Case the Contractor or other Person employed for that Purpose shall, at his 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 meantime 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 so to be employed as aforesaid in taking up or repairing any of the said Aqueducts or Main Pipes, or any of the said communicating Pipes, or in filling in any 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 as aforesaid so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and applied in manner by this Act directed: 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 and broken up, repaired and made good by the Person 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, 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, the same shall and may be sued for and recovered by such Person opening or repairing the said Road 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 so contracting with the said Commissioners or Trustees in case such Person 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 shall begin the same within Twelve Hours next after Notice given to him 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 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

and in the meantime to be fenced in and lighted, to prevent Accidents.

sioners to the Surveyor of the Commissioners or Trustees 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 as aforesaid.

Course of public Sewers not to be altered.

XXXV. Provided always, and be it further 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 Seven Days Notice being previously 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 whenever any such Sewer or Drain shall be so altered, changed, or interfered with, the Commissioners for executing this Act shall, at their own Expence, well and sufficiently replace, reinstate, and make good the same with as little Delay as may be.

For preventing Injury being done to Turnpike Roads.

XXXVI. And be it further enacted, That whenever it shall be found necessary by the said Commissioners, their Agents or Workmen, to lay down any Pipe 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 Footpath 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 Pipes shall break, burst, or decay, the Surveyor 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 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 to such Trustees respectively is 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 meantime such Agent or Workmen so opening the Ground shall secure the respec-

tive

tive 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 dealt with as aforesaid; and whenever it shall happen that by 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 such 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 Surveyors of the said Roads respectively to do what 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 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 for the Time being, and shall be applied for and towards amending the said Roads respectively.

Engineer empowered to enter any Houses, &c. to inspect the Appropriation of the Water.

Upon Refusal of Admission may cut off Pipes, or turn the Water.

XXXVII. And be it further enacted, That it shall be lawful for any Engineer or other Person acting by or under the Authority of the said Commissioners, 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 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 be lawful 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 of such House, Building, or other Premises shall permit and suffer such Engineer or other Person to enter and inspect and examine in manner and for the Purpose aforesaid.

Cisterns to be provided.

XXXVIII. And be it further enacted, That in order to prevent as much as possible any wilful or negligent Waste of Water, every Person supplied with Water by the said Commissioners shall and he is hereby required to provide a proper Cistern 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 daily Consumption, and he is 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, for the Purpose of preventing the Water running into such Cistern from running to Waste when the same shall be full; and in case any Person supplied with Water by the said

said Commissionors shall neglect to provide such Cistern 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 shall be filled as aforesaid, it shall be lawful for the said Commissioners, or any Person acting by virtue 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 and Ball or Stop Cock shall be provided, and such Ball or Stop Cock affixed in manner aforesaid.

Commissioners to provide Fire Engines, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to purchase or provide such Engines for extinguishing Fires, and such Buckets for supplying such Engines with Water, and such Pipes, Tubes, and other Apparatus for such Engines, and also such Fire Escapes, Ladders, or other Implements of Safety or Use in Cases of Fire, and to hire or purchase and keep such Horses for the Use of the same, as they the said Commissioners shall think fit, and to purchase or to hire and rent a proper Place or Places for keeping such Engines, Buckets, and Apparatus, and to hire or employ a proper Number of Persons as Firemen to attend the same, and to pay them such Wages or Salaries as they may think proper, and from Time to Time to displace all or any of such Persons or Firemen, and to appoint others in their Stead, and also to give such Firemen or other Persons such Rewards for their Exertions in Cases of Fire, and to make such Rules and Orders for the Regulation of such Firemen, as the said Commissioners shall think fit; and such Firemen or other Persons hired or employed as aforesaid shall in all Cases of Fire be at liberty to take and use, for the Purpose of extinguishing any such Fire, or working the said Engines thereat, any Water provided for the Use of the said Town.

Penalty for injuring Water or Works.

XL. And be it further enacted, That if any Person shall bathe in any Conduit Head, Conduit, Cistern, Reservoir, or Pond now belonging or which shall hereafter belong to the said Town or to the said Commissioners, or cast or put into any Conduit Head, Conduit, Cistern, Reservoir, Pond, Watercourse, 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 unwholsome 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, Clothes, 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 shall maliciously or wantonly, for the Purpose of

Waste,

Waste, or of lessening or preventing the Supply of Water to the said Town or any Part thereof, let any Water out of any of the Reservoirs, Conduit Heads, Conduits, Cisterns, or other Works belonging to the said Town; or if any Person 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 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 or carrying away or receiving Materials.

XLI. And be it further enacted, That if any Person shall wilfully and maliciously hinder or interrupt the said Commissioners, or any of their Agents, Workmen, or others, in the Exercise of any of the Powers and Authorities by 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 hereafter be made or provided under or virtue of this Act, for the Purposes of supplying the said Town and Shipping with Water, or any Part 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 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 this Act, so much Money as shall be adjudged, by any One or more Justice or 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.

Assessment.

XLII. And be it further enacted, That the Commissioners present at their First Meeting 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

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 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 also to pay and discharge any Monies borrowed and any Debt or Debts incurred in the Execution of the said recited Acts hereby repealed that may at the Time of passing this Act remain unpaid; and 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.

If the Rate is less than One Shilling in the Year, the Commissioners to make a new Assessment for the Deficiency.

XLIII. Provided always, and be it further enacted, That if the Rate assessed in any Twelve 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 of the Execution of this Act, it shall be lawful for the said Commissioners, at any Meeting after such First Meeting as aforesaid, to make a new and additional Assessment for the same Twelve Months, so that the same shall not, together with the former Rate, 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.

XLIV. Provided also, and be it further enacted, That if the said Commissioners shall at any Time hereafter, in any Rate or Assessment made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person liable to be rated and assessed, or rate any such Person less than the full Rate at which he 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 to rate and assess such Person so omitted, or who shall have been underrated, in such Manner as to the said Commissioners 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.

Collectors empowered to recover Rates.

XLV. And be it further enacted, That the Persons to be appointed Collectors of the said Rates or Assessments are hereby authorized and empowered to collect and levy the same accordingly, and for the better

better enabling them so to do it shall be lawful for such Collectors to execute all such Warrants of Distress as shall be granted from Time to Time by any Justice of the Peace against any Person 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 for the Time being in force can or may execute any Warrant of Distress or other Process for levying or recovering any Rate made for the Relief of the Poor; and the said Collectors shall and they 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, a full, true, and perfect Account in Writing of all Monies collected or received by them by virtue of this 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 them collected and received, and remaining in their Hands, to the Treasurer, or such Person as the said Commissioners or any Five or more of them shall by Writing under their Hands appoint to receive the same, to be applied to the Purposes of this Act; and if the said Collectors or any of them shall refuse or neglect to give in a just Account as aforesaid, or to pay the Monies remaining in 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 recovering Rates from Persons quitting Houses, and removing out of the Limits.

XLVI. 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 Sums which may be rated on them respectively, quit and leave their Grounds, Dwelling Houses, Shops, Warehouses, 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 who hath been so rated and assessed shall quit his Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, or Tenement before he shall have paid the said Rate or Assessment, and shall afterwards refuse to pay the same when due, and demanded by the Collector authorized and appointed to receive the same, then and in every such Case it shall be lawful for the said Collector, 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 authorized 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 so refusing or neglecting, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Charges and Expences of such Distress and Sale, to the Owner of such Goods and Chattels respectively, upon Demand thereof made.

In case of Deficiency by the In-

XLVII. 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,

solvency of a Collector, Commissioners to make new Assessment for the same.

wise, the said Commissioners 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 the original Rate.

Rate may be levied by Distress.

XLVIII. And be it further enacted, That all Monies to become due and payable by virtue of this Act, or any Rate made for the Purposes hereof, 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 to this Act 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 when and so often as any Distress shall by Authority of this Act be made for Nonpayment of any of the said Rates and Assessments hereby directed to be made, or any Part thereof, it shall be lawful for the Person making such Distress to raise and levy the reasonable Charges of making and keeping such Distress.

Commissioners may contract with Maltsters, Brewers, &c.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, or for such Person 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, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, Bacon Factor, Chemist, Keeper of Baths, and every other Person, and of and from the *Southampton* Dock Company, or any other Company, Corporation, or Public Body, who shall take or use, or cause to be taken or used, any of the aforesaid Water in his or their Trade or Business, or for the Supply of Shipping, or for any other Purpose for which they may require the same, 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 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, Bacon Factor, Chemist, Keeper of Baths, or other Person, Company, Corporation, or Public Body, 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, Bacon Factor, Chemist, Keeper of Baths, or other Person, Company, Corporation, or Public Body aforesaid, to take or use, or cause or procure to be taken or used, any of the aforesaid Water in his or their Trade or Business, or in the Trade or Business of any other Person, Company, or Corporation whomsoever, or for any of the Purposes thereof, or for the Supply of Shipping, or for washing or cleansing any Article, Matter, or Thing used in and about the same, or for any other Purpose; any thing in this Act contained to the contrary notwithstanding.

L. And

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

L. And be it further enacted, That if any Maltster, Common Brewer, Distiller, Dyer, Tanner, Hatter, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, Bacon Factor, Chemist, Keeper of Baths, or other Person, Corporation or Public Body aforesaid, who shall not have agreed with the said Commissioners 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 or their Trade or Business, or the Trade or Business of any other Person or Corporation, or for washing or cleansing any Article, Matter, or Thing used in or about the same, every such Person or Corporation 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 this Act.

Masters of Ships how to pay for the Supply of their Vessels.

LI. 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 Waterworks belonging to the said Town, may from Time to Time be supplied with Water, paying for such Supply of Water to the Treasurer for the Time being to the said Commissioners, or to such Person as the said Commissioners, or the major Part of them at any Meeting assembled, shall by any Writing under their Hands appoint to receive the same, any Sum not exceeding One Shilling for each and every Tun of Water and not less than Sixpence for any fractional Part of 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 Person so to be appointed as aforesaid, before the Delivery of the said Water at a certain Place constructed by the Commissioners under the said recited Acts hereby repealed on 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 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, according to the Form or Effect in the Schedule hereunto annexed, 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

such Water, then and in every such Case it shall be lawful for the said Commissioners, or any Preson 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.

LII. And be it further enacted, That if after such Refusal any such Master, Commander, or other Person aforesaid shall secretly, forcibly, or violently take, or cause or procure to be secretly, 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 Waterwork belonging or which shall hereafter belong to the said Town of *Southampton*, other than the Place or Places so appointed for watering Ships or Vessels as aforesaid, or the Place 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 in the same Manner 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 this Act, any thing in this Act contained to the contrary notwithstanding.

Power to borrow Money on Mortgage of the Rates.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby empowered, from Time to Time to borrow and take up at Interest any Sum of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, in addition to the Money now due and owing by virtue of the said recited Acts hereby repealed, upon the Credit of the Rates by this Act granted and made payable, and by Writing under their Hands and Seals to mortgage, grant, or assign such Rates or any Part thereof to any Person who shall advance or lend such Money, or to his Trustee, as a Security for the Money borrowed, together with lawful Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Sixth Year of the Reign of King 'William the Fourth, intituled [*here set forth the Title of this 'Act*], We of the Commissioners appointed by 'and in pursuance of the said Act, in consideration of the Sum 'of advanced and lent by *A. B.* 'upon the Credit and for the Purposes of the said Act, do grant, 'bargain, sell, and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising 'by virtue of the said Act as the said Sum of 'doth or shall bear to the whole Sum which may at any Time be 'borrowed or become due and owing or charged upon the Credit of 'the said Act, to be had and holden from this Day of 'in the Year until the said Sum of 'with Interest at *per Centum per Annum* for the same 'shall be paid and satisfied.'

And

And every such Mortgage shall be valid in Law, and all Persons to whom such Mortgages shall be made, or to whom Grants of Annuity shall be made, under this Act, their respective Executors, Administrators, or Assigns, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums in such Mortgages or Grants of Annuity respectively mentioned, Creditors on the Rates in respect of which such Mortgage or Annuity shall be granted, equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Grants of Annuities: Provided always, that before any such Money shall be borrowed or Annuity 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 to borrow such Money on Mortgage or by Grant of Annuity.

Register Book to be kept of Mortgages.

LIV. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk, in which Book shall be entered and registered Copies of all Mortgages and other Securities made and Annuities granted in pursuance of this Act, which Book shall be open to the Inspection of the several Holders of Mortgages and Securities made and Annuities granted by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times without Fee or Reward.

Power to assign, &c. Securities.

LV. And be it further enacted, That it shall be lawful for the several Persons entitled to any of the Securities aforesaid, and their respective Executors, Administrators, and Assigns, at any Time, by Writing under their respective Hands and Seals, to transfer such Securities to any Persons whomsoever; and such Transfers may be made by Endorsement on the respective Securities executed in the Presence of One credible Witness; and such Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I, *A. B.* [*or* I, *C. D.*, of Executor *or* Administrator
'I, of *A. B.* late of *or otherwise, as the Case may*
'*happen*], do transfer the within Mortgage, with all my Right and
'Title to the Principal Money thereby secured, and the Interest due
'or to grow due thereon, and all Arrears thereof, and all my Right
'and Title thereunto, unto *E. F.*, his Executors, Administrators, and
'Assigns. Dated this Day of One thousand
'eight hundred and '

Which Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the said Commissioners, who shall cause an Entry or Memorial thereof, containing the Dates, Names of the Parties, and the Sum of Money thereby transferred, to be made in the said Register Book to be kept for entering Copies of the original Mortgages, for which Entry the said Clerk shall be paid the Sum of Six Shillings and Eight-pence; and after such Entry made, but not before, every such Assignment shall entitle the Person to whom the same shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Commissioners may borrow Mo-

LVI. Provided always, and be it further enacted, That in case the said Commissioners can at any Time borrow any Money for any of the

ney at a lower Rate, to pay off Securities at a higher Rate of Interest.

the Purposes of this Act at a lower Rate of Interest than any Security which shall then be in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates, or any Part thereof, in such Manner and with such Restrictions as herein mentioned, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate of Interest as aforesaid, and therewith to pay off and discharge any Security or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Securities, so that the whole Sum to be charged on the said Rates shall not at any One Time exceed the Sum already charged thereon, and also the further Sum authorized to be borrowed, raised, and charged thereon by this Act.

Power to borrow Money on Annuities.

LVII. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for the said Commissioners so to do, and by Writing under their Hands and Seals to grant an Annuity to any Person who shall contribute, advance, and pay to the said Commissioners any Sum of Money for the absolute Purchase of an Annuity to be paid and payable during the natural Life of any such Contributor, or of such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his Contribution or Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following; that is to say,

Form of Grant of Annuity.

'WE, being of the Commissioners acting in pursuance of 'an Act passed in the Sixth Year of the Reign of King *William* 'the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of paid by 'in pursuance of the said Act, do hereby grant unto the said 'an Annuity or yearly Sum of 'to be paid out of the Rates or Assessments to be levied and collected 'by virtue of the said Act, which Annuity or yearly Sum of 'shall be paid to the said 'or his Assigns during the Term of his natural Life [*or, as the Case 'may be*, to the said , his Executors, Administrators, 'or Assigns, during the natural Life of , or during 'the natural Lives of and and 'the Life of the Survivor,] upon the Day of , 'the Day of , the Day of , 'and the Day of in every Year during the 'natural Life or Lives of him, her, or them the said ; 'the first Payment thereof to be made upon the Day 'of next ensuing the Date hereof. In witness whereof 'we the said Commissioners have hereunto set our Hands and Seals 'the Day of in the Year of our Lord .'

And every such Grant shall be good and effectual in the Law, without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said

said Commissioners out of the said Rates or Assessments respectively according to the Grant of such Annuity.

For preventing improvident Grants of Annuities.

LVIII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Sixth the Rate prescribed by any Act for the Time being in force for granting Annuities on Government Securities.

Annuities may be transferred.

LIX. And be it further enacted, That every Person to whom any Grant of Annuity shall be made under this Act, his Executors, Administrators, or Assigns, may from Time to Time transfer his Right or Interest therein to any Person whomsoever, by Writing under his Hand and Seal, in the Form or to the Effect following; (that is to say,)

Form of Transfer of Annuities.

'I of in consideration
'of the Sum of paid to me by
'of do hereby transfer to the said
'his Executors, Administrators, and Assigns, a certain Grant of
'Annuity of made by the Commissioners for
'executing an Act passed in the Sixth Year of the Reign of King
'*William* the Fourth, intituled [*here set forth the Title of this Act*],
'to , bearing Date the Day of ,
'for securing the said annual Sum of and all
'Interest now due and to become due thereon, and all my Right
'and Property therein. Dated this Day of
'in the Year of our Lord One thousand eight hundred and .'

Or may use any other legal or valid Form of Transfer for the Purpose aforesaid; and every such Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the said Commissioners, who shall cause a Memorial to be made thereof in a Book to be kept as aforesaid (for which such Clerk shall be paid by the said Transferree Six Shillings and Eight-pence, and no more); and every such Entry made of such Transfer shall from thenceforth entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of the original Grant of Annuity, and it shall not from thenceforth be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the original Grant of Annuity, or any Money thereby secured, or any Part thereof; and every Annuity to be granted by virtue of this Act shall be Personal Estate, and transmissible as such.

Securities not to be assigned except by an Instrument in Writing.

LX. Provided always, and be it further enacted, That no Mortgage or Grant of Annuity or other Security made or issued or to be made or issued by the said Commissioners, under the Authority of this Act, shall be assigned or transferred, except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Power to redeem Annuities.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Persons respectively entitled thereto, to redeem all or any of the Annuities by or under the Authority of the said recited Acts or this Act charged upon the Rates and Assessments made by the said Commissioners, and to agree for the Redemption thereof upon such Terms as the Commissioners shall think proper, and to raise any Sum of Money by way of Mortgage or by way of Annuity, as herein-before mentioned, on the Credit of the said Rates and Assessments, for the Purpose of enabling them to redeem such Annuities, or any of them, or any Part thereof respectively, so that the whole Sum to be charged on the said Rates and Assessments shall not at any One Time exceed the Sums authorized to be borrowed, raised, and charged thereon by the said recited Acts hereby repealed and this Act.

Interest on Annuities how to be recovered.

LXII. And be it further enacted, That if the Interest of any of the Monies already due and owing by virtue of the said Acts hereby repealed, or any of them, or to be advanced or lent by virtue of this Act, or any Annuity or Annuities granted or to be granted pursuant to the Provisions of the said Acts or any of them, or any Part of such Interest or Annuities respectively, 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 any Person entitled to the Receipt of such Interest, or for any Annuitant entitled to such Annuity, he having first by Writing under his Hand demanded of the Treasurer for the Time being to the said Commissioners Payment of such Interest or Annuity so in arrear, and on Neglect or Refusal by such Treasurer to pay the same for the Space of Fourteen Days next after such Demand, 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 Recovery of the said Interest or Annuity 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, in which Action no Essoign, Protection, Privilege, or Wager of Law, and not more than One Imparlance, shall be allowed.

Treasurer indemnified, unless Action brought through his Neglect or Default.

LXIII. 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 in arrear the said Treasurer shall not have sufficient Monies in his Hands raised under the Authority of this Act to answer and pay such Interest or Annuity, and any Action shall thereupon be commenced against him for the Recovery of the same, and the Treasurer shall thereupon pay and satisfy such Interest or Annuity, 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, but also all Costs, Charges, and Expences attending the defending of any such Action; and until such Reimbursement such Treasurer shall not be removed or removable from his Office of Treasurer; 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

attending such Action shall be wholly borne and paid by such Treasurer.

Application of Money to be raised.

LXIV. And be it further enacted, That all Monies now in the Hands of the said Commissioners, or which shall come to the Hands of the Commissioners for executing this Act, either by virtue of the said recited Acts hereby repealed, or under the Powers of this Act, shall be and are hereby vested in the said Commissioners, and out of the first Monies which shall come to their Hands by any Means whatsoever the said Commissioners shall and they are hereby required, in the first place, to pay and discharge the Costs, Charges, and Expences incurred preparatory to and in applying for and passing this Act, together with lawful Interest for any Money advanced for that Purpose from the Time or respective Times of such Advances; and the Remainder of such Money shall be applied in Payment of the Interest which shall from Time to Time become due on the Monies borrowed by virtue of the said recited Acts hereby repealed, and to be borrowed under the Powers of this Act, and of the Annuities granted by virtue of the said Acts or to be granted under the Provisions of this Act, and in repairing, extending, and enlarging the said Works and erecting new Works, and in otherwise carrying this Act into execution, and lastly in paying off the Principal Sums of Money which may from Time to Time be due and owing, and in redeeming any Annuities which may from Time to Time be subsisting, by virtue of the Powers of the said recited Acts hereby repealed or of this Act.

Gas Pipes to be laid at the greatest practicable Distance from Water Pipes, and in a particular Manner.

LXV. And be it further enacted, That all the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Highway, Street, or other Passage or Place within the Limits of this Act shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof at the Distance of Three Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Highways, Streets, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Case the said Gas Pipes shall be at the greatest practicable Distance from the said Water Pipes, Soughs, or Watercourses, and shall form as near as is practicable a Right Angle therewith; and the Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses than Four Feet at least, and such Gas Pipes so crossing the said Water Pipes shall for the whole Length thereof be sufficiently bedded in with good sound Clay of a proper Substance, and well worked and rammed into the Trenches all round the said Gas Pipes; and in laying down the said Gas Pipes the Company, Contractor, or other Person to whom the same shall belong shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench

Trench form the Jointing with the other Pipes which may be added thereto with proper and sufficient Materials, and also, wherever practicable, lay and well and sufficiently bed, each and every of the Joints of the said Main Gas Pipes, and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the said Gas Pipes, with such Clay as aforesaid all round the said several and respective Joints, Inlets, Apertures, or Openings, and for Twelve Inches in Length each Way from the Centre of each and every of the Caps or Joints in the Main Pipes, and of the Inlets, Apertures, Screws, or Joints connecting the Service Pipes with the Main Pipes, and all other Joints, Inlets, Apertures, or Openings therein, and for Six Inches at least from the Centre of each of the Joints in the Service Pipe, so as to make and keep all and every such Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein, respectively Air-tight, and in every respect prevent the Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Offence, to be paid to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction takes place shall have sustained any Annoyance or Injury or Damage by any such Act so done or committed.

For preventing the Escape of Gas.

LXVI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Corporation or Person making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, such Corporation or Person shall, at their or his own Expence, immediately after Notice of any such Escape of Gas given to them or him, by Parol or in Writing, by any Person whomsoever, stop and prevent such Gas from further escaping; and in case the said Corporation or Person shall not within Twenty-four Hours next after such Notice given stop and prevent any further Escape, and thereby remove the Cause of Complaint, then and in every such Case the said Corporation or Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty or Penalties shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation of some credible Witness, by Information to be laid before some Justice of the Peace for the County, Liberty, or Place within which such Offence shall be committed, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Corporation or Person as aforesaid.

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

LXVII. And be it further enacted, That if any Corporation or Person whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste

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

in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, &c.

LXXII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury, of any Nature or Kind soever, done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Ten Days next after Demand in Writing shall have been made to the said Commissioners, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Commissioners.

Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein otherwise directed to be applied shall be paid, One Moiety to the Informer, and the Remainder to the said Commissioners, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices of the Peace, for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction,

Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Seven Days from the taking of such Security), and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall be discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

LXXIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may reward Informers.

LXXV. Provided always, and be it further enacted, That it shall be lawful for any Justice of the Peace, out of any Penalty or Forfeiture adjudged on any Conviction before him for any Damage or Injury done to any of the Waterworks of the said Town, or any 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 this Act, to reward, if he shall think fit, any Person who shall have informed against and prosecuted such Offender to Conviction as aforesaid.

Power to Justices to mitigate Penalties.

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

For securing Offenders whose Names and Residences are unknown.

LXXVII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Commissioners, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent who shall commit any Offence against this Act, and to convey him with all convenient Despatch before some Justice for the County, City, or Place within which such Offence shall be committed, without any Warrant or other Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction:

LXXVIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print), and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'} BE it remembered, That on the Day of
'to wit. } *A. B.* of informeth me *C. D.*, one of
'His Majesty's Justices of the Peace for the County [*as the Case*
'*may be*], that *E. F.* of [*here describe the Offence,*
'*and the Time and Place when and where committed*], contrary to an
'Act passed in the Sixth Year of the Reign of King *William* the
'Fourth, intituled [*insert the Title of this Act*], which hath imposed
'a Forfeiture of for the said Offence. Taken the
'Day of before me

'*C. D.*'

Form of Conviction.

'} BE it remembered, That on the Day of
'to wit. } in the Year of our Lord *A. B.*
'is convicted before me *C. D.*, one of His Majesty's Justices of the
'Peace for the County of [*here describe the Offence, and the*
'*Time and Place when and where committed*], contrary to an Act
'passed in the Sixth Year of the Reign of King *William* the Fourth,
'intituled [*insert the Title of this Act*]. Given under my Hand and
'Seal the Day and Year first above written.

'*C. D.*'

Justices may administer Oaths and receive Affirmations.

LXXIX. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

For compelling Attendance of Witnesses.

LXXX. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned

or

or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid and tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined on Oath or (in the Case of a Quaker) on Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Creditors of the Rates and Officers of the Commissioners competent Witnesses.

LXXXI. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence, in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice of the Peace, under or by virtue of this Act, by reason of being a Collector of such Rates, Clerk, Engineer, or other Officer or Servant of the said Commissioners, nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

Persons aggrieved may appeal to Quarter Sessions.

LXXXII. And be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Order or Rule of the said Commissioners, and also the said Commissioners and all other Persons and Corporations who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act specifically given, may within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to any Court of General or Quarter Sessions to be held for the Town and County of the Town of *Southampton*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Commissioners, as the Case may be, and forthwith after such Notice, in case of an Individual appealing, entering into Recognizance before some Justice of the Peace, with Two sufficient Securities, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Order, or Rule, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved as they shall think reasonable.

Declaring what shall be good Service of Notice on the Commissioners.

LXXXIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Commissioners, personal Service thereof upon the Clerk of the said Commissioners or upon any One of the said Commissioners, or leaving the same at the Office of the said Com-

Commissioners or of the Clerk, or delivering the same to some Inmate at such Office of the said Commissioners or at the last or usual Place of Abode of such Clerk, or in case the same respectively shall not be found or known then personal Service thereof upon any other Agent of or Officer employed by the said Commissioners, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service of Notice by the Commissioners.

LXXXIV. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation under the Provisions of this Act, personal Service thereof respectively upon any such Person, or upon some Member or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by One Commissioner or by the Clerk of the said Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print.

How Debts may be proved in Cases of Bankruptcy.

LXXXV. And be it further enacted, That in case any Person against whom the said Commissioners may have any Claim or Demand shall become bankrupt or insolvent, the Clerk or Treasurer for the Time being of the said Commissioners may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proofs of Debts, voting in Choice of Assignees, signing Certificates, and other Matters and Things in respect or relating to the Claim or Demand of the said Commissioners, as any Person, being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Releases may be granted to Witnesses.

LXXXVI. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Commissioners to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be valid and effectual in all respects and to all Intents and Purposes whatsoever.

LXXXVII. And

Distress not unlawful for Want of Form.

LXXXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

No proceeding to be quashed for Want of Form or removed by Certiorari.

LXXXVIII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty-one Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought and commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding 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 Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become Nonsuit, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

No Plaintiff to recover after Tender of sufficient Amends.

XC. And be it further enacted, That no Plaintiff shall recover in any Action for Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or

or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Commissioners not personally answerable for Acts legally done as Commissioners.

XCI. And be it further enacted, That none of the Commissioners hereby appointed, or hereafter to be appointed under the Authority of this Act, shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Commissioner, pursuant to this Act, any Contract, Agreement, or other Instrument, or otherwise lawfully executing any of the Powers and Authorities given to the said Commissioners by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere, and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Commissioners or any of them shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Commissioners under or by virtue of any such Contract or Instrument, or other lawful Act, may sue and implead the said Commissioners in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done by all the said Commissioners.

Commissioners not to be answerable in their private Capacity.

XCII. Provided always, and be it further enacted, That no Contract which shall be made by the said Commissioners for any of the Purposes of this Act shall be binding upon the said Commissioners as Individuals or in their private Capacity, nor shall any of the said Commissioners or their Successors personally, or their respective Estate, 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 this Act, or of any Mortgages or Annuities 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 Treasurer or Clerk, or any other Person 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 this Act, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer to the Commissioners or any other Person by virtue of this Act.

Saving the Rights of the Corporation.

XCIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend or affect in any

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 whatsoever, except with respect to the taking and using such Part of the Common near *Southampton* as may be necessary for the Purposes of this Act and of the Works hereby authorized to be made.

XCIV. 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. Public Act.

SCHEDULE to which this Act refers.

Warrant of Distress for Nonpayment of the Rates.

Southampton } to wit. } To the in the Town and County of the Town of Southampton, and to all Constables and other Peace Officers of the same Town and County.

WHEREAS the under-mentioned Persons, now or late Inhabitants, Householders, 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 Rates duly made for the Purpose of an Act passed in the Sixth Year of the Reign of King William the Fourth, 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 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 that 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

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.	-

Warrant of Distress for Nonpayment of Money due for Water supplied to Ships or Vessels.

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

WHEREAS *A. B.* [*being a Master, Commander, or other Person having the Care or Charge of a Ship or Vessel belonging or resorting to the Port of Southampton, as the Case may be,*] has been supplied with Water by the Commissioners acting in execution of an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled [*set forth the Title of this Act*]: And whereas the said *A. B.* has neglected or refused to pay the Sum of for Money due from him for such Supply of Water. These are therefore, in His Majesty's Name, to will and require you or either of you forthwith to levy the said Sum of Money due from the said *A. B.* by Distress and Sale of his Goods and Chattels (such Goods and Chattels being kept by the Space of Five Days before the same are sold), rendering to him the Overplus, if any be, the reasonable Costs attending such Keeping, Distress, and Sale being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to us, to the end that 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 acting and assisting in all Things relating to the Premises. Given under our Hands and Seals this Day of in the Year of our Lord

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LONDON: Printed by George Eyre and Andrew Spottiswoode, Printers to the King's most Excellent Majesty. 1836.

50 G. 3. c. 20.

another Act was passed in the Fiftieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain 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 Waterworks belonging to the Town of* Southampton; And whereas under and by virtue of the said Acts the said Pump and public Conduits and Water House have been removed, and more than Forty public Conduits have been from Time to Time erected in more convenient Parts of the said Town, and other Improvements have been from to Time to Time effected by the Commissioners acting in the Execution of the said Acts, and Reservoirs have been established by them on the Common near *Southampton*, and a considerable Sum of Money has been borrowed for those Purposes by the said Commissioners upon the Security of the Rates authorized by the said Acts to be collected, which Money is still due and owing: And whereas the Powers and Provisions of the said Acts, and the Money raised under and by virtue thereof, have been found inadequate and insufficient for the Purposes thereby intended, and it has become necessary, with a view of meeting the increased Demand, that a more abundant Supply of Water should be obtained, and which it has been ascertained may be readily procured by means of boring in the *Southampton Common* near *Southampton*, adjacent to the present Reservoirs there, and it is also expedient that Powers should be granted for the more effectual Prevention and Extinguishment of Fires, and that a further Sum of Money should be raised for carrying the before-mentioned Purposes into effect: And whereas it would be more convenient if the said recited Acts passed in the Twentieth Year of His said late Majesty King *George* the Second, and in the Forty-third and Fiftieth Years of the Reign of His said late Majesty King *George* the Third, were repealed, and new Powers and Provisions granted and made instead thereof, as well for the Maintenance of the said public Conduits and Waterworks, and for the Extension and Improvement of the same, as for providing an increased Supply of Water for the Use of the Inhabitants of the said Town and Neighbourhood, and for the other Purposes herein-after mentioned: 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 immediately after the Second *Monday* next after the passing of this Act the said several herein-before recited Acts of the Twentieth Year of the Reign of His late Majesty King *George* the Second, and the Forty-third and Fiftieth Years of the Reign of His late Majesty King *George* the Third, and all and every the Powers and Authorities, Matters and Things therein respectively contained, shall be and the same are hereby repealed, and this Act shall thenceforth commence and take effect instead thereof.

Recited Acts repealed, and this Act to take effect.

Meaning of certain Words in this Act.

II. And be it further enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Words

Words "the Commissioners," without any special Addition, shall mean the Commissioners for the Time being acting in the Execution of this Act; the Word "Corporation," whether in the Singular or Plural, shall include Bodies Politic, Corporate, and Collegiate, Ecclesiastical and Lay, Aggregate and Sole; the Word "Penalty," whether in the Singular or Plural Number, shall include Penalties, Fines, and Forfeitures of a pecuniary Nature; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall be applied to One Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Arrears of Rate under former Act to be recovered under this Act.

III. And be it further enacted, That if any Rates or Assessments, or any Arrears of Rates or Assessments, laid or assessed, or any Sums of Money whatsoever payable, by virtue of the said recited Acts hereby repealed, or any of them, shall at the Time of the commencing of this Act remain due from or unpaid by any Person whomsoever, such Person shall remain and be liable to the Payment thereof notwithstanding the Repeal of the said recited Acts; and all such Rates and Assessments, and Arrears of Rates and Assessments, or Sums of Money, shall be paid to and received by the Commissioners for executing this Act, or their Treasurer, Clerk, or Collector, and shall and may be recoverable and be recovered in the same Manner and by the same Ways and Means as if such Rates or Assessments, Arrears of Rates or Assessments, or Sums of Money, had been laid or assessed or become due under or by virtue of this Act.

Present Officers to continue until new ones elected.

IV. And be it further enacted, That every Clerk, Collector, and other Officer, except the Treasurer, appointed under and by virtue of the said Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom respectively by the Commissioners for executing this Act; and every such Clerk, Collector, and other Officer shall have the like Powers and Authorities for the Purposes of this Act, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed under or by virtue of this Act.

Officers under recited Acts to account to Commissioners.

V. And be it further enacted, That each and every Treasurer, Clerk, Collector, Surety, or other Person in whose Hands, Custody, or Control any Money received or collected under or by virtue of the said recited Acts, or any of them, shall be at the Time of the passing of this Act, shall be and remain liable to pay, deliver up, and account for the same to the Commissioners for executing this Act, as if such Money had come to the Hands, Custody, or Control of any or every such Treasurer, Clerk, Collector, Surety, or other Person by virtue of this Act; and all Contracts, Bonds, and Agreements entered into by the Commissioners acting by or under the hereinbefore recited Acts, or any of them, with any Person whomsoever, and all Contracts, Bonds, and Agreements entered into by any Person with the said Commissioners or any of them, shall, notwithstanding the Repeal of the said Acts, subsist and continue in force in such Manner

Contracts, Bonds, &c. made under recited Acts to remain in force.

Manner as, according to the Tenor thereof respectively, the same would have subsisted and continued in case the said recited Acts had not been repealed; and it shall be lawful for the Commissioners under this Act to sue and be sued upon the same respectively, in such Manner and under the same Regulations as the said Commissioners are herein-after authorized to sue and be sued; and this Act, and also the Rates or Assessments hereby respectively granted or authorized to be raised and received, shall be and are hereby respectively made subject and liable to the Payment as well of all Monies which have been borrowed and are now due and owing on the Credit or on account of the respective Rates granted or authorized to be received by or by virtue of the said recited Acts, or any of them, together with all Interest due and to grow due thereon respectively, as also of all Monies which may be borrowed on the Credit or on the account of the respective Rates or Assessments hereby granted or authorized to be continued or received, together with all Interest to become due in respect thereof, as fully and effectually to all Intents and Purposes whatsoever as if such Monies respectively had been wholly borrowed and become due and owing on the Credit or on account of the Rates or Assessments hereby granted or authorized to be received.

Acts and Proceedings of certain Commissioners who may have acted without having been duly qualified to be valid.

VI. And whereas it is by the said recited Act of the Forty-third Year of the Reign of His late Majesty King *George* the Third enacted, that no Person should be elected a Commissioner for executing the said recited Acts unless he should be rated and pay towards the Relief of the Poor of the Parish in which he should be chosen, and unless he should be so rated and pay to the Relief of the Poor in respect of some Estate in some One or more of the Parishes therein mentioned valued in such Rate at Twenty-five Pounds *per Annum* or upwards: And whereas some Persons have been elected Commissioners under the herein-before recited Acts, and have acted as such, respecting whose Qualification Doubts have been entertained, by reason of such Persons having been rated jointly with other Persons, and it is expedient that such Provision should be made in that Behalf as is next herein-after mentioned; be it therefore enacted, That in case any Person shall previously to the passing of this Act have acted as a Commissioner in the Execution of the herein-before recited Acts, or any of them, or taken any Part in the Proceedings of the Commissioners at any Meeting or Meetings of the said Commissioners without having been duly qualified according to the Directions of the said Acts, all the Acts and Proceedings which have been done or had at the several Meetings at which any such Commissioner was present shall, notwithstanding such Commissioner may not have been duly qualified as aforesaid, be good, valid, and effectual to all Intents and Purposes whatsoever.

Defining the Limits of the Act.

VII. And be it further enacted, That the Limits of this Act, and the Jurisdiction of the Commissioners acting in the Execution thereof, shall comprise the whole of the Town and County of the Town of *Southampton* and Liberties thereof: Provided always, that, subject to the Provision herein-after contained, nothing in this Act contained shall extend or be construed to extend to charge any Messuages, Houses, or Parts of Houses, Grounds, Buildings, or other Hereditaments

ments whatsoever in the Tithing of *Portswood*, or on the Town Common, or on the Estates of *Northam* and *Padwell*, with any of the Rates or Assessments hereby directed to be raised.

Tithing of Portswood, &c., may be included within the Operation of the Act, upon certain Conditions.

VIII. Provided always, and be it further enacted, That if at any Time hereafter Two Thirds in Number and Value of the Owners in Fee of the Houses and Lands standing and being within any or either of the several Districts or Places herein-after mentioned, (that is to say,) the Tithing of *Portswood* aforesaid, the Town Common, or the Estates of *Northam* and *Padwell* aforesaid, or of the Houses and Lands standing and being within *Four Posts*, *Hill*, and *Sidford Cockrode's*, and *Whithed's Wood*, in the Parish of *Millbrook* in the County of *Southampton*, shall be desirous of taking the Benefit of this Act, and of being supplied with Water under the Provisions thereof, and shall respectively signify the same under their Hands to the said Commissioners, and the said Commissioners at any General or Special Meeting to be held in pursuance of this Act shall approve thereof, then all the Powers and Authorities by this Act granted shall have relation to the several Districts or Places herein-before mentioned, or any or either of them, as the Case may be, as fully and effectually as if the said Districts or Places, or such of them the Owners of the Houses and Lands within which shall have signified such Desire as aforesaid, had been comprised within the original Limits of this Act as herein-before set forth; and it shall be lawful for the said Commissioners to make an Assessment upon the Occupiers or Owners, as the Case may be, of all Messuages, Lands, and other Hereditaments within the said respective Districts or Places, to the same Extent and in the same Manner as if such Messuages, Lands, and Hereditaments had been comprised within the said original Limits of this Act: Provided always, that in case the Owners in Fee of the Houses and Lands, either at *Four Posts*, or *Hill*, and *Sidford*, or *Cockrode's*, or *Whithed's Wood*, should at any Time take the Benefit of this Act by virtue of the Provision lastly herein-before contained, then and in such Case the Owners of the Houses and Lands within such Place or District shall have the Power of electing One Commissioner in addition to the Commissioners herein-after appointed; and in case the Owners in Fee of the Houses and Lands in all the before-mentioned Places or Districts, or in any Two or more of them, should at any Time take the Benefit of this Act, then and in such Case the Owners of the Houses and Lands within such several Places or Districts shall have the Power of electing Two Commissioners in addition to the Commissioners herein-after appointed; and such Commissioner or Commissioners (as the Case may be) shall be subject to the same Provisions with respect to Qualification, Disqualification, Mode of Election, and otherwise, as the Twenty-six Commissioners herein-after appointed and authorized to be from Time to Time elected, excepting only that such Commissioner or Commissioners shall be an Inhabitant or Inhabitants of the before-mentioned Places or Districts, instead of being an Inhabitant or Inhabitants of the Town and County of the Town of *Southampton*, and shall be elected in the Parish of *Millbrook* instead of the Parishes or Places herein-after mentioned.

Commissioners.

IX. And be it enacted, That the Mayor, Recorder, Aldermen, and Councillors for the Time being of the Town of *Southampton*, together

gether with Twenty-six of the Inhabitants of the said Town, qualified and to be elected as herein-after is mentioned, and their Successors respectively, shall be and they are hereby appointed Commissioners for carrying this Act into execution, and such Commissioners shall be called and known by the Name of "The Commissioners of the Waterworks of the Town of *Southampton*."

Qualification of Commissioners.

X. And be it enacted, That no Person, whether he shall be a Commissioner by virtue of his Office as aforesaid, or by Election in manner herein-after described, shall be capable of acting as a Commissioner in any Case in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Profit under this Act (except the Office of Treasurer), nor in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in question, either touching any Contract relating to the Execution of any of the Powers of this Act, or otherwise (except as a Creditor on the Rates or Assessments), nor in the Case of a Commissioner by Election unless he shall be an Inhabitant of the said Town of *Southampton*, and shall reside within the Parish for which he shall be elected, nor unless he shall then be and shall have been for One Year at least previous to his Election as such Commissioner a Tenant or Occupier of Land, Houses, Shops, or other Buildings situate in the said Town and County, such Land, Houses, Shops, or other Buildings in respect of which he shall claim to be qualified at the Time of his Election being either wholly in the Parish for which he shall be so elected, or partly in that Parish and partly in some other Parish or Parishes within the said Town and County, and such Person being rated to the Relief of the Poor in respect of such Premises at the annual Sum of Twenty-five Pounds at the least, nor until he shall have made and subscribed a Declaration in the Form of Words following (of which and of the Date of making the same an Entry or Minute shall be made in the Book of Proceedings of the Commissioners); that is to say,

Declaration.

'I do solemnly and sincerely declare, That I will 'truly and impartially, according to the best of my Skill and Judg-'ment, execute and perform the Powers and Authorities reposed in 'me as a Commissioner by virtue of an Act passed in the Sixth 'Year of the Reign of King *William* the Fourth, intituled [*here in-'sert the Title of this Act*], and that I am duly qualified as a Commis-'sioner under the said Act.'

Provided always, that if any House, Shop, or other Property rated to the Relief of the Poor at the annual Sum of Twenty-five Pounds or upwards shall be in the Occupation of Two or more Persons as Copartners, and such Rate shall be paid out of the Partnership Funds, any One of the Persons being a Partner in such Firm shall, if qualified in other respects, be capable of being elected and of acting as a Commissioner under this Act.

Commissioner being a Justice may act.

XI. And be it enacted, That it shall be lawful for any Commissioner who shall be in the Commission of the Peace to act as Justice of the Peace in the Execution of this Act notwithstanding his being a Commissioner.

XII. And

Disqualification of Commissioners.

XII. And be it enacted, That if any Commissioner to be elected by virtue of this Act shall cease to be an Inhabitant of the Parish for which he shall be chosen, or shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or shall neglect for the Space of Six Calendar Months in succession to attend the Meetings of the said Commissioners, then and in every such Case such Person shall thereupon become disqualified, and shall cease to be a Commissioner under this Act; but every Person so becoming disqualified and ceasing to be a Commissioner on account of his ceasing to be an Inhabitant of the Parish for which he shall be chosen may on his returning to reside in such Parish be capable, if otherwise qualified, of being re-elected a Commissioner; and every Person becoming disqualified on account of his being declared a Bankrupt, or of his applying to take the Benefit of any Act for the Relief of Insolvent Debtors, or having compounded with his Creditors as aforesaid, shall on obtaining his Certificate, or on Payment of his Debts in full, be capable, if otherwise qualified, of being re-elected a Commissioner; and every Person becoming disqualified on account of his having neglected to attend the Meetings of the Commissioners for Six Calendar Months as aforesaid shall be capable of being re-elected a Commissioner, provided he shall then be otherwise qualified.

Penalty on disqualified Persons acting as Commissioners.

XIII. And be it enacted, That if any Person not being qualified as aforesaid, or not having made and subscribed such Declaration as aforesaid, or being or becoming in any Manner disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall, for every Occasion on which he shall so act, forfeit and pay the Sum of Five Pounds: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified, done previous to his being convicted, shall be as valid and effectual as if such Person had been duly qualified as aforesaid; and in case such Commissioner shall establish his Qualification on any such Occasion as aforesaid, and shall not recover his Costs to which he may be subjected thereby, he shall be entitled to receive the same by the Order of the said Commissioners from the Treasurer, out of the Rates to be levied under the Authority of this Act.

Mode of Election of Commissioners.

XIV. And be it further enacted, That on the first *Thursday* next after the Commencement of this Act, between the Hours of Ten in the Morning and Seven in the Evening, the respective Churchwardens and Overseers for the Time being of the several Parishes of *All Saints*, *Saint Mary*, *Holy Rood*, *Saint Michael*, *Saint Lawrence*, and *Saint John*, within the said Town and County, 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 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 respectively, nominate, choose, and appoint

appoint Eight Commissioners by and out of the Inhabitants of the Parish of *All Saints*, Six Commissioners by and out of the Inhabitants of the Parish of *Saint Mary*, Four Commissioners by and out of the Inhabitants of the Parish of *Holy Rood*, Four Commissioners by and out of the Inhabitants of the Parish of *Saint Michael*, Two Commissioners by and out of the Inhabitants of the Parish of *Saint Lawrence*, and Two Commissioners by and out of the Parish of *Saint John*; and such Persons so nominated, chosen, and appointed shall be Commissioners of the Waterworks of the said Town, and shall remain Commissioners until *Easter Tuesday* which will be in the Year of our Lord One thousand eight hundred and thirty-nine, when One Half of the Commissioners chosen in each Parish shall retire from Office by Ballot, and a like Number shall be elected in each Parish Commissioners in their Stead, in manner herein-before described; and the remaining Half of the said Commissioners shall continue Commissioners until *Easter Tuesday* which will be in the Year of our Lord One thousand eight hundred and forty-two, when they shall retire from Office, 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 of Six Years shall expire; and the Clerk to the Commissioners for the Time being shall cause Notice of all such Elections to be given in One or more Newspaper or Newspapers circulated in the said Town and County of *Southampton*, and shall also cause a Copy of such Notice to be fixed on the principal outer Door of every Church and Chapel of Ease of the respective Parishes within the said Town and County, and also on the Front of the Market Place in the *High Street* of the said Town, and also on the Town Hall, Fourteen Days at the least previous to every such Election; and if the said Clerk shall neglect to cause the said Notice to be inserted in such Newspaper or Newspapers as aforesaid, and affixed as aforesaid, he shall for every such Neglect forfeit and pay the Sum of Forty Shillings, to be levied and applied in the same Manner as Penalties and Forfeitures are by this Act directed to be levied and applied: Provided always, that at every such Meeting the Minister for the Time being of each Parish, in case he shall be present, shall be the Chairman, or in his Absence any Person qualified to vote at such Election, to be chosen by the Persons present, shall preside as Chairman; and whenever there shall upon any Question be an equal Number of Votes, including the Vote of the Chairman, the Chairman shall have an additional or casting Vote.

Former Commissioners may be re-elected.

XV. Provided always, and be it further enacted, That at every Election or Appointment of Commissioners any former Commissioner shall be re-eligible to the Office again immediately or at any Time afterwards, notwithstanding his Time of Service shall have expired, or notwithstanding his having forfeited the Office by reason of Disqualification, in case he shall be then duly qualified.

For supplying occasional Va-

XVI. And be it further enacted, That if any Commissioner, not being a Commissioner by virtue of his Office, shall die, or by Writing under

under his Hand, delivered to the said Commissioners or their Clerk, shall resign, or shall cease to reside in the Parish for which he shall be chosen, or decline to act, or become incapable to act, or become bankrupt or insolvent, or shall neglect to make and subscribe the Declaration herein-before mentioned, or shall cease to be qualified in manner aforesaid, then and in any of the said Cases the Place of such Commissioner is hereby declared to be vacant, and the Persons qualified to vote as aforesaid shall at the next *Easter Tuesday* elect so many Persons qualified as aforesaid to be Commissioners to fill up the Vacancies so occasioned: Provided always, that in case the Number of the elected Commissioners shall at any Time be reduced to Eighteen a Special Meeting may be appointed, of which the like Notice shall be given by the Clerk to the said Commissioners as herein-before is directed, at which Special Meeting new Commissioners may be appointed to fill such Vacancies; and every Person so to be elected is hereby invested with the same Powers for putting this Act into execution as any other Commissioner. Vacancies in the Number of Commissioners.

XVII. And be it enacted, That the Commissioners shall hold their First Meeting for the Execution of this Act at the Audit House of and within the Town of *Southampton* aforesaid within One Calendar Month next after the passing of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon, or on such other Day and Time as the Commissioners, or any Five or more of them, although not assembled at a Meeting, shall think fit to appoint, by Notice in Writing to be affixed at the Front Entrance to the Market Place in the High Street of the said Town, or in some other conspicuous Places within the said Town, at least Three Days before the Day of Meeting; and after such First Meeting the Commissioners shall and they are hereby required to meet once in every successive Calendar Month throughout the same and every succeeding Year; and the said Commissioners, or any Three or more of them, or the Clerk to the said Commissioners, may adjourn such Meetings from Time to Time as may be found expedient; but no Adjournment shall at any Time or under any Circumstances be made for any longer Time than Four Weeks. First and other Meetings.

XVIII. And be it enacted, That if it shall at any Time be thought necessary to hold a Meeting in the Interval between the Days appointed for holding Meetings, or previous to the Day to which the said Commissioners may have adjourned, then and in every such Case it shall be lawful for the Commissioners, or any Five or more of them, or for their Clerk, at the Request in Writing of any Five or more of the Commissioners, and they or he are and is hereby required, to call a Special Meeting, of which Two Days previous Notice at the least shall be given by the Clerk, stating the Business proposed or intended to be done at such Special Meeting: Provided always, that no other Business shall be transacted at any such Special Meetings as aforesaid than what shall have been specified in such Notices as being the Purpose for which such Meeting shall be called. Provision for calling Special Meetings.

XIX. And be it enacted, That the Powers and Authorities by this Act given to, and all the Provisions, Matters, or Things by this Act directed and authorized to be done, performed, or executed by or with Proceeding by Five or more Commissioners

to be as valid as if all the Commissioners had acted, except where directed to be done by any other Number.

with relation to or before the Commissioners for executing the same, shall and may be done, performed, and executed by, with relation to, or before any Five or more of the Commissioners assembled at any Meeting to be held in pursuance of this Act, and the same shall be of as full Force and Effect as if performed, executed, or done by, with relation to, or before all the Commissioners, (except only in such Cases in which any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be done, performed, or executed by or with relation to or before any other Number of Commissioners, or in any other Manner,) and all Acts, Orders, Proceedings, and Determinations of the Commissioners acting in the Execution of this Act, made or done at any such Meeting consisting of Five or more Commissioners, wherein the major Part of the Commissioners present at such Meeting shall concur, shall be as valid and effectual as if all the Commissioners present at such Meeting had concurred therein; and at all such Meetings the Mayor for the Time being of the said Town of *Southampton*, or in his Absence the late Mayor of the said Town, shall be the Chairman, or in the Absence of both of them then some One of the Commissioners shall be appointed Chairman by the Majority of the Commissioners then present; and in all Cases where there shall be upon any Question an Equality of Votes, including the Vote of the Chairman, such Chairman shall have an additional or casting Vote.

Chairman to have casting Vote.

No Order to be revoked or altered except after special Notice, nor unless a greater Number of Commissioners are present.

XX. And be it enacted, That no Order, Appointment, or Proceeding whatever made at any Meeting of the Commissioners holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless at a Meeting holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration proposed or intended to be made, signed by One or more of the Commissioners, or by the Clerk to the Commissioners, shall be given at least Seven Days before such subsequent Meeting, nor unless a Majority of the Commissioners present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, nor unless Two Thirds in Number of the Commissioners shall be present at such subsequent Meeting.

Commissioners may appoint Committees.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint, out of their own Body, One or more Committee or Committees, with such Powers and Authorities as the said Commissioners shall think proper to delegate or intrust to them; and all Matters and Things which the said Commissioners shall in Writing order and direct to be done by such Committee or Committees shall and may, by virtue of such Orders, be done by such Committee or Committees; and it shall be lawful for the said Commissioners to break up and dissolve any such Committee, and to remove or displace any of the Members thereof, and to appoint others in their Place and Stead, or to appoint from Time to Time One or more other Committee or Committees in manner aforesaid, with such and the like or any other Powers or Authorities, when and so often as the said Commissioners shall think expedient.

Appointment of Officers.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners at a General Meeting, or at a Special Meeting to be

be called for that Purpose, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and also a Clerk or Clerks, and One or more Collector or Collectors of the Rates to be raised by virtue of this Act, and a Surveyor or Surveyors, and such other Officers as the said Commissioners shall think necessary to employ for any of the Purposes of this Act; and the said Commissioners are hereby required to take Security from the Treasurer, Collector, and such other Officers as shall be entrusted with the Collection or other the Receipt and Disbursement of Money, for the due Execution of his Office; and it shall be lawful for the Commissioners from Time to Time to remove and displace any of such Officers, and to nominate and appoint another or others in the Room or Place of any of them who shall die, resign such Office, or become incapable of acting therein, public Notice of the Time and Place of Meeting for the Purpose of filling up every such Vacancy thereby occasioned being first given by affixing a Notice in Writing thereof on the Front of the Market Place in the High Street of the said Town, or in some other conspicuous Places within the said Town, at least Seven Days before the Day appointed for holding the Meeting for such Election, and out of the Monies to be raised as hereinafter mentioned to pay such Salaries, and make such Allowances, either permanently or in Cases of Accidents or other Casualties, to such Officers respectively, and also to such other Persons as shall be aiding or assisting the Commissioners in the Execution of this Act, as to the said Commissioners shall from Time to Time appear reasonable: Provided always, that no Commissioners shall vote in the Election of any Officer to be appointed under this Act, unless such Commissioners shall have attended Three Meetings or adjourned Meetings at least within the Six Months immediately preceding the Day of such Election.

Clerk not to be Treasurer, and vice versâ.

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

XXIV. And

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

XXIV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Treasurer, or in the Name of any One of the Commissioners; and 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 or any Commissioner, 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 or any Commissioner, 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, or such Commissioner, shall be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk or Treasurer or Commissioner 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 reason of his being so made Plaintiff or Defendant.

Officers to account.

XXV. And be it further enacted, That every Officer and Person who shall be appointed and employed by virtue of this Act shall from Time to Time, when thereunto required by the said Commissioners, make out and deliver to the said Commissioners, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act; and such Account shall state how, and to whom, and for what Purpose, the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Commissioners, or to such Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Persons as they shall appoint, within Seven Days after being thereunto required by the said Commissioners, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Commissioners, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such

such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods or Chattels shall not be found to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to any Common Gaol or House of Correction within his Jurisdiction, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Commissioners for such Money and Charges, and have paid the Composition Money to the said Commissioners, (and which Composition the said Commissioners are hereby empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Commissioners: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Commissioners to cause Accounts to be kept.

XXVI. And be it further enacted, That the said Commissioners shall cause a Book to be kept, in which shall be entered true and regular Accounts of all Sums of Money received and expended for or on account of the said Waterworks, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall at all reasonable Times be opened to the Inspection of all Persons rated under or by virtue of this Act, on Payment of the Sum of One Shilling for every such Inspection, and such Persons may take Copies of or Extracts from such Book, upon Payment of the Sum of Sixpence for every One hundred Words of such Copies or Extracts; and the said Book shall also at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of the said recited Acts or of this Act, without Fee or Reward; and the said Loan Creditors or any of them may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the Person having the Care or Custody of the said Book shall refuse to permit or shall not permit such respective Persons, or any of them, to inspect such Book, or to take such Copies or Extracts as aforesaid, such Person shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act di-

rected to be levied and applied; and the said Commissioners shall in the Month of *January* in every Year cause the said Accounts to be examined and balanced up to the Thirty-first Day of *December* preceding, and also shall in the Month of *July* in every Year cause the said Accounts to be examined and balanced up to the Thirtieth Day of *June* preceding, and shall cause the said Two several Accounts, or Abstracts thereof, to be published once in the Month of *August* following in some One or more Newspaper or Newspapers circulating in the Town and County of *Southampton*.

Orders, Proceedings, &c. to be entered in a Book.

XXVII. And be it further enacted, That the Orders and Proceedings of all Meetings of the Commissioners shall be entered in some Book to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without due Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners, or of the Signature of such Chairman, as the Case may be, all of which last-mentioned Acts shall be presumed.

Notice of Meetings, &c. to be given by the Clerk.

XXVIII. And be it further enacted, That all Notices by this Act directed to be given to the Commissioners or to any other Person (and which are not by this Act otherwise directed or provided for) shall be given to the several Commissioners and other Persons in the Name of the Clerk to the Commissioners, by sending such Notices by Post, or by the Delivery thereof to such respective Commissioners or other Person in Person, or by leaving the same at the last known or usual Place of Abode of the Commissioners or other Person respectively; and Notices so left shall be deemed and considered the same as personal Notices; and all other Notices authorized or directed by this Act to be given by any Person to the Commissioners shall and may be delivered to their Clerk personally, or be left at his Office or other Place of Business.

Works vested in Commissioners.

XXIX. And be it further enacted, That from and after the Commencement of this Act the Property of and in all the Conduits, Pipes, Water Houses, Reservoirs, and other Waterworks 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 whatsoever Description heretofore provided, or which may be hereafter provided for any of the Purposes of this Act, and all the Springs and Water now belonging or hereafter to belong to the said Commissioners, shall be and they are hereby vested in the Commissioners for executing this Act; and the said Commissioners are hereby authorized and empowered to bring or cause to be brought any Action in the Name of their Treasurer or Clerk for the Time being, or to prefer and prosecute any Bill of Indictment, as the Case shall require, against any Person who shall steal, take, or carry away any Part 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 shall have full Power

Commissioners empowered to bring Actions or prefer Indictments.

and

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 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 authorized to be made are directed to be applied.

Commissioners may sell old Materials.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to continue and maintain the present Conduits, Reservoirs, and other Waterworks belonging to the said Town, and to improve and extend the same, and particularly to enlarge the present Reservoirs on the Common near *Southampton*, and to build, erect, construct, and maintain such other Reservoirs or Waterworks on the said Common as may be necessary or convenient, and as the said Commissioners shall think proper, for furnishing an additional Supply of Water, and from Time to Time to alter, repair, or discontinue the same Works, or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for constructing, continuing, maintaining, altering, repairing, or using the said Works, and also to collect and raise Water by boring in and under the said Common, or by such other Ways and Means as they may from Time to Time think proper, and to take and use any Spring or Streams of Water which may be found in constructing the said Works, they the said Commissioners doing as little Damage as may be, and making Compensation for any Injury that may be sustained by any Persons or Corporations by the Exercise of such Powers, and to convey such Water through or under the several Streets, Roads, Lanes, and other Places within the Limits of this Act, or any of the public Roads adjoining the said Town and County, or Liberties thereof, for the Purpose of supplying with Water the Inhabitants of the said Town: Provided always, that it shall not be lawful for the said Commissioners to take or use any Part of the said Common for the Extension or Enlargement of the present Reservoirs, or for the Construction of new Reservoirs, without the Consent of the Mayor, Aldermen, and Councillors for the Time being of the Town of *Southampton*; and in case any Part of the said Common shall be appropriated for an Extension or Enlargement of the said present Reservoirs, or for the Construction of new Reservoirs, the same shall not be used for any other Purpose whatever; and in case any such Land already so appropriated, or which shall be so appropriated, shall at any Time hereafter cease to be used for the Purposes of this Act, the same shall be thrown open and shall again form Part of the said Common, and be filled up and restored as near as can be to its original State, in such and the same Manner as if it had never been made use of for the Purposes of the said Waterworks.

Empowering Commissioners to maintain and extend the Waterworks.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, subject nevertheless to the Superintendence and under the Direction of the Surveyors of the Highways, to open and break up the Pavement and Surface in and of the several Highways, Streets, and other public Places within the said Limits, and also any Sewers or Drains therein, and also to enter

Power to open the Surface of Highways, Streets, &c. and to lay down Pipes.

enter into and upon and to open and break up any private Grounds within the said Limits, and to lay and place within such Limits Pipes, Conduits, and other Apparatus and Conveniences, and to do all other Acts which they shall from Time to Time deem necessary for supplying Water to the Inhabitants of the said Town and County, according to the true Intent and Meaning of this Act; and also from Time to Time, subject as aforesaid, to open and break up such Pavement, Surface, Sewers and Drains, and private Grounds, for the Purpose of repairing, altering, or removing any such Pipes, Conduits, Apparatus, and Conveniences, they the said Commissioners doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any Damage that may be done in the Exercise of such Powers.

Power to contract for the Works.

XXXII. And be it further enacted, That the said Commissioners may and they are hereby empowered from Time to Time, as Occasion shall require, to contract with any Person for the repairing or altering and enlarging the present Waterworks of the said Town, and for constructing new Works, and to agree or contract with any Person for bringing and conveying into the present or any future Reservoirs in the said Town belonging to the said Commissioners a further and better Supply of good and wholesome Water: Provided that no such Contract shall be entered into unless Fourteen 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 willing to enter into any such Contract may deliver Proposals for that Purpose: Provided also, that such Contract shall not be for a longer Term than Twenty-one Years, and shall not have the Effect of alienating or otherwise interfering with the Right of Assessment or collecting of Rates vested in the Commissioners by virtue of this Act.

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

XXXIII. 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 or them with Water, by conveying the same out of and from the Reservoirs or Pipes of or 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 for such Time or Times, as the said Commissioners, or any Three 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 also, that all such Sums of Money shall be applied to and for the same Purposes as the Rates herein-before authorized to be raised and levied are directed to be applied.

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

XXXIV. 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 this Act, then and in every such Case

Case the Contractor or other Person employed for that Purpose shall, at his 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 meantime 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 so to be employed as aforesaid in taking up or repairing any of the said Aqueducts or Main Pipes, or any of the said communicating Pipes, or in filling in any 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 as aforesaid so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and applied in manner by this Act directed: 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 and broken up, repaired and made good by the Person 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, 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, the same shall and may be sued for and recovered by such Person opening or repairing the said Road 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 so contracting with the said Commissioners or Trustees in case such Person 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 shall begin the same within Twelve Hours next after Notice given to him 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 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

and in the meantime to be fenced in and lighted, to prevent Accidents.

sioners to the Surveyor of the Commissioners or Trustees 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 as aforesaid.

Course of public Sewers not to be altered.

XXXV. Provided always, and be it further 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 Seven Days Notice being previously 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 whenever any such Sewer or Drain shall be so altered, changed, or interfered with, the Commissioners for executing this Act shall, at their own Expence, well and sufficiently replace, reinstate, and make good the same with as little Delay as may be.

For preventing Injury being done to Turnpike Roads.

XXXVI. And be it further enacted, That whenever it shall be found necessary by the said Commissioners, their Agents or Workmen, to lay down any Pipe 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 Footpath 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 Pipes shall break, burst, or decay, the Surveyor 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 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 to such Trustees respectively is 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 meantime such Agent or Workmen so opening the Ground shall secure the respective

tive 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 dealt with as aforesaid; and whenever it shall happen that by 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 such 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 Surveyors of the said Roads respectively to do what 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 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 for the Time being, and shall be applied for and towards amending the said Roads respectively.

Engineer empowered to enter any Houses, &c. to inspect the Appropriation of the Water.

Upon Refusal of Admission may cut off Pipes, or turn the Water.

XXXVII. And be it further enacted, That it shall be lawful for any Engineer or other Person acting by or under the Authority of the said Commissioners, 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 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 be lawful 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 of such House, Building, or other Premises shall permit and suffer such Engineer or other Person to enter and inspect and examine in manner and for the Purpose aforesaid.

Cisterns to be provided.

XXXVIII. And be it further enacted, That in order to prevent as much as possible any wilful or negligent Waste of Water, every Person supplied with Water by the said Commissioners shall and he is hereby required to provide a proper Cistern 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 daily Consumption, and he is 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, for the Purpose of preventing the Water running into such Cistern from running to Waste when the same shall be full; and in case any Person supplied with Water by the

said Commissionors shall neglect to provide such Cistern 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 shall be filled as aforesaid, it shall be lawful for the said Commissioners, or any Person acting by virtue 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 and Ball or Stop Cock shall be provided, and such Ball or Stop Cock affixed in manner aforesaid.

Commissioners to provide Fire Engines, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to purchase or provide such Engines for extinguishing Fires, and such Buckets for supplying such Engines with Water, and such Pipes, Tubes, and other Apparatus for such Engines, and also such Fire Escapes, Ladders, or other Implements of Safety or Use in Cases of Fire, and to hire or purchase and keep such Horses for the Use of the same, as they the said Commissioners shall think fit, and to purchase or to hire and rent a proper Place or Places for keeping such Engines, Buckets, and Apparatus, and to hire or employ a proper Number of Persons as Firemen to attend the same, and to pay them such Wages or Salaries as they may think proper, and from Time to Time to displace all or any of such Persons or Firemen, and to appoint others in their Stead, and also to give such Firemen or other Persons such Rewards for their Exertions in Cases of Fire, and to make such Rules and Orders for the Regulation of such Firemen, as the said Commissioners shall think fit; and such Firemen or other Persons hired or employed as aforesaid shall in all Cases of Fire be at liberty to take and use, for the Purpose of extinguishing any such Fire, or working the said Engines thereat, any Water provided for the Use of the said Town.

Penalty for injuring Water or Works.

XL. And be it further enacted, That if any Person shall bathe in any Conduit Head, Conduit, Cistern, Reservoir, or Pond now belonging or which shall hereafter belong to the said Town or to the said Commissioners, or cast or put into any Conduit Head, Conduit, Cistern, Reservoir, Pond, Watercourse, 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 unwholsome 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, Clothes, 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 shall maliciously or wantonly, for the Purpose of Waste,

Waste, or of lessening or preventing the Supply of Water to the said Town or any Part thereof, let any Water out of any of the Reservoirs, Conduit Heads, Conduits, Cisterns, or other Works belonging to the said Town; or if any Person 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 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 or carrying away or receiving Materials.

XLI. And be it further enacted, That if any Person shall wilfully and maliciously hinder or interrupt the said Commissioners, or any of their Agents, Workmen, or others, in the Exercise of any of the Powers and Authorities by 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 hereafter be made or provided under or virtue of this Act, for the Purposes of supplying the said Town and Shipping with Water, or any Part 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 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 this Act, so much Money as shall be adjudged, by any One or more Justice or 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.

Assessment.

XLII. And be it further enacted, That the Commissioners present at their First Meeting 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

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 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 also to pay and discharge any Monies borrowed and any Debt or Debts incurred in the Execution of the said recited Acts hereby repealed that may at the Time of passing this Act remain unpaid; and 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.

If the Rate is less than One Shilling in the Year, the Commissioners to make a new Assessment for the Deficiency.

XLIII. Provided always, and be it further enacted, That if the Rate assessed in any Twelve 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 of the Execution of this Act, it shall be lawful for the said Commissioners, at any Meeting after such First Meeting as aforesaid, to make a new and additional Assessment for the same Twelve Months, so that the same shall not, together with the former Rate, 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.

XLIV. Provided also, and be it further enacted, That if the said Commissioners shall at any Time hereafter, in any Rate or Assessment made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person liable to be rated and assessed, or rate any such Person less than the full Rate at which he 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 to rate and assess such Person so omitted, or who shall have been underrated, in such Manner as to the said Commissioners 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.

Collectors empowered to recover Rates.

XLV. And be it further enacted, That the Persons to be appointed Collectors of the said Rates or Assessments are hereby authorized and empowered to collect and levy the same accordingly, and for the better

better enabling them so to do it shall be lawful for such Collectors to execute all such Warrants of Distress as shall be granted from Time to Time by any Justice of the Peace against any Person 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 for the Time being in force can or may execute any Warrant of Distress or other Process for levying or recovering any Rate made for the Relief of the Poor; and the said Collectors shall and they 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, a full, true, and perfect Account in Writing of all Monies collected or received by them by virtue of this 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 them collected and received, and remaining in their Hands, to the Treasurer, or such Person as the said Commissioners or any Five or more of them shall by Writing under their Hands appoint to receive the same, to be applied to the Purposes of this Act; and if the said Collectors or any of them shall refuse or neglect to give in a just Account as aforesaid, or to pay the Monies remaining in 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 recovering Rates from Persons quitting Houses, and removing out of the Limits.

XLVI. 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 Sums which may be rated on them respectively, quit and leave their Grounds, Dwelling Houses, Shops, Warehouses, 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 who hath been so rated and assessed shall quit his Ground, House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, or Tenement before he shall have paid the said Rate or Assessment, and shall afterwards refuse to pay the same when due, and demanded by the Collector authorized and appointed to receive the same, then and in every such Case it shall be lawful for the said Collector, 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 authorized 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 so refusing or neglecting, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Charges and Expences of such Distress and Sale, to the Owner of such Goods and Chattels respectively, upon Demand thereof made.

In case of Deficiency by the In-

XLVII. 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,

solvency of a Collector, Commissioners to make new Assessment for the same.

wise, the said Commissioners 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 the original Rate.

Rate may be levied by Distress.

XLVIII. And be it further enacted, That all Monies to become due and payable by virtue of this Act, or any Rate made for the Purposes hereof, 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 to this Act 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 when and so often as any Distress shall by Authority of this Act be made for Nonpayment of any of the said Rates and Assessments hereby directed to be made, or any Part thereof, it shall be lawful for the Person making such Distress to raise and levy the reasonable Charges of making and keeping such Distress.

Commissioners may contract with Maltsters, Brewers, &c.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, or for such Person 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, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, Bacon Factor, Chemist, Keeper of Baths, and every other Person, and of and from the *Southampton* Dock Company, or any other Company, Corporation, or Public Body, who shall take or use, or cause to be taken or used, any of the aforesaid Water in his or their Trade or Business, or for the Supply of Shipping, or for any other Purpose for which they may require the same, 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 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, Bacon Factor, Chemist, Keeper of Baths, or other Person, Company, Corporation, or Public Body, 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, Bacon Factor, Chemist, Keeper of Baths, or other Person, Company, Corporation, or Public Body aforesaid, to take or use, or cause or procure to be taken or used, any of the aforesaid Water in his or their Trade or Business, or in the Trade or Business of any other Person, Company, or Corporation whomsoever, or for any of the Purposes thereof, or for the Supply of Shipping, or for washing or cleansing any Article, Matter, or Thing used in and about the same, or for any other Purpose; any thing in this Act contained to the contrary notwithstanding.

L. And

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

L. And be it further enacted, That if any Maltster, Common Brewer, Distiller, Dyer, Tanner, Hatter, Woolcomber, Feltmonger, Carpet Manufacturer, Fishmonger, Gardener, Bacon Factor, Chemist, Keeper of Baths, or other Person, Corporation or Public Body aforesaid, who shall not have agreed with the said Commissioners 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 or their Trade or Business, or the Trade or Business of any other Person or Corporation, or for washing or cleansing any Article, Matter, or Thing used in or about the same, every such Person or Corporation 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 this Act.

Masters of Ships how to pay for the Supply of their Vessels.

LI. 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 Waterworks belonging to the said Town, may from Time to Time be supplied with Water, paying for such Supply of Water to the Treasurer for the Time being to the said Commissioners, or to such Person as the said Commissioners, or the major Part of them at any Meeting assembled, shall by any Writing under their Hands appoint to receive the same, any Sum not exceeding One Shilling for each and every Tun of Water and not less than Sixpence for any fractional Part of 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 Person so to be appointed as aforesaid, before the Delivery of the said Water at a certain Place constructed by the Commissioners under the said recited Acts hereby repealed on 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 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, according to the Form or Effect in the Schedule hereunto annexed, 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, then and in every such Case it shall be lawful for the said Commissioners, or any Preson 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.

LII. And be it further enacted, That if after such Refusal any such Master, Commander, or other Person aforesaid shall secretly, forcibly, or violently take, or cause or procure to be secretly, 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 Waterwork belonging or which shall hereafter belong to the said Town of *Southampton*, other than the Place or Places so appointed for watering Ships or Vessels as aforesaid, or the Place 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 in the same Manner 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 this Act, any thing in this Act contained to the contrary notwithstanding.

Power to borrow Money on Mortgage of the Rates.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby empowered, from Time to Time to borrow and take up at Interest any Sum of Money not exceeding in the whole the Sum of Fifteen thousand Pounds, in addition to the Money now due and owing by virtue of the said recited Acts hereby repealed, upon the Credit of the Rates by this Act granted and made payable, and by Writing under their Hands and Seals to mortgage, grant, or assign such Rates or any Part thereof to any Person who shall advance or lend such Money, or to his Trustee, as a Security for the Money borrowed, together with lawful Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Sixth Year of the Reign of King 'William the Fourth, intituled [*here set forth the Title of this Act*], We of the Commissioners appointed by 'and in pursuance of the said Act, in consideration of the Sum 'of advanced and lent by *A. B.* 'upon the Credit and for the Purposes of the said Act, do grant, 'bargain, sell, and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising 'by virtue of the said Act as the said Sum of 'doth or shall bear to the whole Sum which may at any Time be 'borrowed or become due and owing or charged upon the Credit of 'the said Act, to be had and holden from this Day of 'in the Year until the said Sum of 'with Interest at *per Centum per Annum* for the same 'shall be paid and satisfied.'

And

And every such Mortgage shall be valid in Law, and all Persons to whom such Mortgages shall be made, or to whom Grants of Annuity shall be made, under this Act, their respective Executors, Administrators, or Assigns, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums in such Mortgages or Grants of Annuity respectively mentioned, Creditors on the Rates in respect of which such Mortgage or Annuity shall be granted, equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Grants of Annuities: Provided always, that before any such Money shall be borrowed or Annuity 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 to borrow such Money on Mortgage or by Grant of Annuity.

Register Book to be kept of Mortgages.

LIV. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk, in which Book shall be entered and registered Copies of all Mortgages and other Securities made and Annuities granted in pursuance of this Act, which Book shall be open to the Inspection of the several Holders of Mortgages and Securities made and Annuities granted by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times without Fee or Reward.

Power to assign, &c. Securities.

LV. And be it further enacted, That it shall be lawful for the several Persons entitled to any of the Securities aforesaid, and their respective Executors, Administrators, and Assigns, at any Time, by Writing under their respective Hands and Seals, to transfer such Securities to any Persons whomsoever; and such Transfers may be made by Endorsement on the respective Securities executed in the Presence of One credible Witness; and such Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I, *A. B.* [*or* I, *C. D.*, of Executor *or* Administrator of *A. B.* late of *or otherwise, as the Case may happen*], do transfer the within Mortgage, with all my Right and Title to the Principal Money thereby secured, and the Interest due or to grow due thereon, and all Arrears thereof, and all my Right and Title thereunto, unto *E. F.*, his Executors, Administrators, and Assigns. Dated this Day of One thousand eight hundred and .'

Which Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the said Commissioners, who shall cause an Entry or Memorial thereof, containing the Dates, Names of the Parties, and the Sum of Money thereby transferred, to be made in the said Register Book to be kept for entering Copies of the original Mortgages, for which Entry the said Clerk shall be paid the Sum of Six Shillings and Eight-pence; and after such Entry made, but not before, every such Assignment shall entitle the Person to whom the same shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Commissioners may borrow Mo-

LVI. Provided always, and be it further enacted, That in case the said Commissioners can at any Time borrow any Money for any of the

ney at a lower Rate, to pay off Securities at a higher Rate of Interest.

the Purposes of this Act at a lower Rate of Interest than any Security which shall then be in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates, or any Part thereof, in such Manner and with such Restrictions as herein mentioned, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate of Interest as aforesaid, and therewith to pay off and discharge any Security or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Securities, so that the whole Sum to be charged on the said Rates shall not at any One Time exceed the Sum already charged thereon, and also the further Sum authorized to be borrowed, raised, and charged thereon by this Act.

Power to borrow Money on Annuities.

LVII. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for the said Commissioners so to do, and by Writing under their Hands and Seals to grant an Annuity to any Person who shall contribute, advance, and pay to the said Commissioners any Sum of Money for the absolute Purchase of an Annuity to be paid and payable during the natural Life of any such Contributor, or of such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his Contribution or Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following; that is to say,

Form of Grant of Annuity.

'WE, being of the Commissioners acting in pursuance of 'an Act passed in the Sixth Year of the Reign of King *William* 'the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of paid by 'in pursuance of the said Act, do hereby grant unto the said 'an Annuity or yearly Sum of 'to be paid out of the Rates or Assessments to be levied and collected 'by virtue of the said Act, which Annuity or yearly Sum of 'shall be paid to the said 'or his Assigns during the Term of his natural Life [*or, as the Case may be*, to the said , his Executors, Administrators, 'or Assigns, during the natural Life of , or during 'the natural Lives of and and 'the Life of the Survivor,] upon the Day of , 'the Day of , the Day of , 'and the Day of in every Year during the 'natural Life or Lives of him, her, or them the said ; 'the first Payment thereof to be made upon the Day 'of next ensuing the Date hereof. In witness whereof 'we the said Commissioners have hereunto set our Hands and Seals 'the Day of in the Year of our Lord .'

And every such Grant shall be good and effectual in the Law, without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said

said Commissioners out of the said Rates or Assessments respectively according to the Grant of such Annuity.

For preventing improvident Grants of Annuities.

LVIII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Sixth the Rate prescribed by any Act for the Time being in force for granting Annuities on Government Securities.

Annuities may be transferred.

LIX. And be it further enacted, That every Person to whom any Grant of Annuity shall be made under this Act, his Executors, Administrators, or Assigns, may from Time to Time transfer his Right or Interest therein to any Person whomsoever, by Writing under his Hand and Seal, in the Form or to the Effect following; (that is to say,)

Form of Transfer of Annuities.

'I of in consideration
'of the Sum of paid to me by
'of do hereby transfer to the said
'his Executors, Administrators, and Assigns, a certain Grant of
'Annuity of made by the Commissioners for
'executing an Act passed in the Sixth Year of the Reign of King
'*William* the Fourth, intituled [*here set forth the Title of this Act*],
'to , bearing Date the Day of ,
'for securing the said annual Sum of and all
'Interest now due and to become due thereon, and all my Right
'and Property therein. Dated this Day of
'in the Year of our Lord One thousand eight hundred and .'

Or may use any other legal or valid Form of Transfer for the Purpose aforesaid; and every such Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the said Commissioners, who shall cause a Memorial to be made thereof in a Book to be kept as aforesaid (for which such Clerk shall be paid by the said Transferree Six Shillings and Eight-pence, and no more); and every such Entry made of such Transfer shall from thenceforth entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of the original Grant of Annuity, and it shall not from thenceforth be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the original Grant of Annuity, or any Money thereby secured, or any Part thereof; and every Annuity to be granted by virtue of this Act shall be Personal Estate, and transmissible as such.

Securities not to be assigned except by an Instrument in Writing.

LX. Provided always, and be it further enacted, That no Mortgage or Grant of Annuity or other Security made or issued or to be made or issued by the said Commissioners, under the Authority of this Act, shall be assigned or transferred, except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Power to redeem Annuities.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Persons respectively entitled thereto, to redeem all or any of the Annuities by or under the Authority of the said recited Acts or this Act charged upon the Rates and Assessments made by the said Commissioners, and to agree for the Redemption thereof upon such Terms as the Commissioners shall think proper, and to raise any Sum of Money by way of Mortgage or by way of Annuity, as herein-before mentioned, on the Credit of the said Rates and Assessments, for the Purpose of enabling them to redeem such Annuities, or any of them, or any Part thereof respectively, so that the whole Sum to be charged on the said Rates and Assessments shall not at any One Time exceed the Sums authorized to be borrowed, raised, and charged thereon by the said recited Acts hereby repealed and this Act.

Interest on Annuities how to be recovered.

LXII. And be it further enacted, That if the Interest of any of the Monies already due and owing by virtue of the said Acts hereby repealed, or any of them, or to be advanced or lent by virtue of this Act, or any Annuity or Annuities granted or to be granted pursuant to the Provisions of the said Acts or any of them, or any Part of such Interest or Annuities respectively, 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 any Person entitled to the Receipt of such Interest, or for any Annuitant entitled to such Annuity, he having first by Writing under his Hand demanded of the Treasurer for the Time being to the said Commissioners Payment of such Interest or Annuity so in arrear, and on Neglect or Refusal by such Treasurer to pay the same for the Space of Fourteen Days next after such Demand, 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 Recovery of the said Interest or Annuity 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, in which Action no Essoign, Protection, Privilege, or Wager of Law, and not more than One Imparlance, shall be allowed.

Treasurer indemnified, unless Action brought through his Neglect or Default.

LXIII. 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 in arrear the said Treasurer shall not have sufficient Monies in his Hands raised under the Authority of this Act to answer and pay such Interest or Annuity, and any Action shall thereupon be commenced against him for the Recovery of the same, and the Treasurer shall thereupon pay and satisfy such Interest or Annuity, 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, but also all Costs, Charges, and Expences attending the defending of any such Action; and until such Reimbursement such Treasurer shall not be removed or removable from his Office of Treasurer; 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

attending such Action shall be wholly borne and paid by such Treasurer.

Application of Money to be raised.

LXIV. And be it further enacted, That all Monies now in the Hands of the said Commissioners, or which shall come to the Hands of the Commissioners for executing this Act, either by virtue of the said recited Acts hereby repealed, or under the Powers of this Act, shall be and are hereby vested in the said Commissioners, and out of the first Monies which shall come to their Hands by any Means whatsoever the said Commissioners shall and they are hereby required, in the first place, to pay and discharge the Costs, Charges, and Expences incurred preparatory to and in applying for and passing this Act, together with lawful Interest for any Money advanced for that Purpose from the Time or respective Times of such Advances; and the Remainder of such Money shall be applied in Payment of the Interest which shall from Time to Time become due on the Monies borrowed by virtue of the said recited Acts hereby repealed, and to be borrowed under the Powers of this Act, and of the Annuities granted by virtue of the said Acts or to be granted under the Provisions of this Act, and in repairing, extending, and enlarging the said Works and erecting new Works, and in otherwise carrying this Act into execution, and lastly in paying off the Principal Sums of Money which may from Time to Time be due and owing, and in redeeming any Annuities which may from Time to Time be subsisting, by virtue of the Powers of the said recited Acts hereby repealed or of this Act.

Gas Pipes to be laid at the greatest practicable Distance from Water Pipes, and in a particular Manner.

LXV. And be it further enacted, That all the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Highway, Street, or other Passage or Place within the Limits of this Act shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof at the Distance of Three Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Highways, Streets, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Case the said Gas Pipes shall be at the greatest practicable Distance from the said Water Pipes, Soughs, or Watercourses, and shall form as near as is practicable a Right Angle therewith; and the Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses than Four Feet at least, and such Gas Pipes so crossing the said Water Pipes shall for the whole Length thereof be sufficiently bedded in with good sound Clay of a proper Substance, and well worked and rammed into the Trenches all round the said Gas Pipes; and in laying down the said Gas Pipes the Company, Contractor, or other Person to whom the same shall belong shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such

Trench

Trench form the Jointing with the other Pipes which may be added thereto with proper and sufficient Materials, and also, wherever practicable, lay and well and sufficiently bed, each and every of the Joints of the said Main Gas Pipes, and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the said Gas Pipes, with such Clay as aforesaid all round the said several and respective Joints, Inlets, Apertures, or Openings, and for Twelve Inches in Length each Way from the Centre of each and every of the Caps or Joints in the Main Pipes, and of the Inlets, Apertures, Screws, or Joints connecting the Service Pipes with the Main Pipes, and all other Joints, Inlets, Apertures, or Openings therein, and for Six Inches at least from the Centre of each of the Joints in the Service Pipe, so as to make and keep all and every such Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein, respectively Air-tight, and in every respect prevent the Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Offence, to be paid to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction takes place shall have sustained any Annoyance or Injury or Damage by any such Act so done or committed.

For preventing the Escape of Gas.

LXVI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Corporation or Person making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, such Corporation or Person shall, at their or his own Expence, immediately after Notice of any such Escape of Gas given to them or him, by Parol or in Writing, by any Person whomsoever, stop and prevent such Gas from further escaping; and in case the said Corporation or Person shall not within Twenty-four Hours next after such Notice given stop and prevent any further Escape, and thereby remove the Cause of Complaint, then and in every such Case the said Corporation or Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty or Penalties shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation of some credible Witness, by Information to be laid before some Justice of the Peace for the County, Liberty, or Place within which such Offence shall be committed, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Corporation or Person as aforesaid.

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

LXVII. And be it further enacted, That if any Corporation or Person whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste

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

To prevent Escape of Gas and Contamination of Water.

LXVIII. And be it further enacted, That whenever the Water within the Limits of this Act shall be contaminated or affected by the Gas of any Corporation or Person making, furnishing, or supplying Gas as aforesaid, any such Corporation or Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Company and Individuals affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the Corporation or Person making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk for the Time being of the said Commissioners, to be left at the usual Office or Place of transacting Business of the Corporation or Person so offending, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case such Corporation or Person shall not, within Twenty-four Hours after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Corporation or Person making, furnishing, or supplying such Gas shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being of the said Commissioners so affected, over and above the before-mentioned Penalty not exceeding Twenty Pounds, the Sum of Ten Shillings for each and every Day during which the Water within the Limits of this Act shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath or Affirmation of One credible Witness, by and in the Name of the Clerk of the said Commissioners, before any Justice of the Peace for the County, Liberty, or Place within which such Offence shall be committed, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered, and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer for the Time being of the said Commissioners.

For ascertaining if the Water is contaminated.

LXIX. And whereas it may become a Question upon such Complaint as aforesaid whether such Water be contaminated or affected by the Gas of any Corporation or Person; be it therefore enacted, That in every such Case it shall be lawful for the said Commissioners, or for the Party using such Water, to dig to and about and to search and examine the Mains, Pipes, Conduits, and Apparatus of the Corporation or Person supplying Gas as aforesaid, for the Purpose of ascertaining whether such Contamination be occasioned by the Gas of such Corporation or Person as aforesaid; and if it appear that such Contamination is occasioned by the Gas of the said Corporation or Person as aforesaid, the Costs and Expences of such Examination, and of the Repair of the Pavement which shall be taken up or disturbed, shall be borne and paid by the Corporation or Person as

aforesaid

aforesaid (as the Case may be), which Costs and Expences shall be ascertained and determined (if necessary) by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not proceeded from any Gas of the said Corporation or Person as aforesaid, then and in such Case the said Commissioners, or the Party making Complaint of such Contamination as aforesaid, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Corporation or Person producing or supplying Gas as aforesaid any Loss, Injury, or Damage which may be occasioned to the Works of the said Corporation or Person as aforesaid in and by such Examination, and shall also make good any Loss, Injury, or Damage which may have been occasioned in or by such Examination to the Pavements of the Streets and other Places so broken up or disturbed as aforesaid, the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice as aforesaid.

Persons supplying Gas to be held liable to be indicted for a Nuisance.

LXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Corporation or other Person whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, Place, or any House, Manufactory, or other Building therein, in respect of any Works, or the Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Corporation or Person as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Damages or Charges in case of Dispute to be settled by Two Justices.

LXXI. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the County, City, or Place wherein such Damages or Charges shall be incurred or be directed to be paid; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in

in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, &c.

LXXII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury, of any Nature or Kind soever, done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Ten Days next after Demand in Writing shall have been made to the said Commissioners, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Commissioners.

Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein otherwise directed to be applied shall be paid, One Moiety to the Informer, and the Remainder to the said Commissioners, unless such Penalties or Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices of the Peace, for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction,

Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Seven Days from the taking of such Security), and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall be discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

LXXIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may reward Informers.

LXXV. Provided always, and be it further enacted, That it shall be lawful for any Justice of the Peace, out of any Penalty or Forfeiture adjudged on any Conviction before him for any Damage or Injury done to any of the Waterworks of the said Town, or any 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 this Act, to reward, if he shall think fit, any Person who shall have informed against and prosecuted such Offender to Conviction as aforesaid.

Power to Justices to mitigate Penalties.

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

Commissioners or of the Clerk, or delivering the same to some Inmate at such Office of the said Commissioners or at the last or usual Place of Abode of such Clerk, or in case the same respectively shall not be found or known then personal Service thereof upon any other Agent of or Officer employed by the said Commissioners, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service of Notice by the Commissioners.

LXXXIV. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation under the Provisions of this Act, personal Service thereof respectively upon any such Person, or upon some Member or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by One Commissioner or by the Clerk of the said Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print.

How Debts may be proved in Cases of Bankruptcy.

LXXXV. And be it further enacted, That in case any Person against whom the said Commissioners may have any Claim or Demand shall become bankrupt or insolvent, the Clerk or Treasurer for the Time being of the said Commissioners may do all the same Acts, and have and exercise all the same Powers and Privileges, as to the Establishment or Proofs of Debts, voting in Choice of Assignees, signing Certificates, and other Matters and Things in respect or relating to the Claim or Demand of the said Commissioners, as any Person, being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Releases may be granted to Witnesses.

LXXXVI. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Commissioners to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of qualifying any Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be valid and effectual in all respects and to all Intents and Purposes whatsoever.

LXXXVII. And

Distress not unlawful for Want of Form.

LXXXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

No proceeding to be quashed for Want of Form or removed by Certiorari.

LXXXVIII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Twenty-one Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought and commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding 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 Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become Nonsuit, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

No Plaintiff to recover after Tender of sufficient Amends.

XC. And be it further enacted, That no Plaintiff shall recover in any Action for Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or

or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Commissioners not personally answerable for Acts legally done as Commissioners.

XCI. And be it further enacted, That none of the Commissioners hereby appointed, or hereafter to be appointed under the Authority of this Act, shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Commissioner, pursuant to this Act, any Contract, Agreement, or other Instrument, or otherwise lawfully executing any of the Powers and Authorities given to the said Commissioners by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere, and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Commissioners or any of them shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Commissioners under or by virtue of any such Contract or Instrument, or other lawful Act, may sue and implead the said Commissioners in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done by all the said Commissioners.

Commissioners not to be answerable in their private Capacity.

XCII. Provided always, and be it further enacted, That no Contract which shall be made by the said Commissioners for any of the Purposes of this Act shall be binding upon the said Commissioners as Individuals or in their private Capacity, nor shall any of the said Commissioners or their Successors personally, or their respective Estate, 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 this Act, or of any Mortgages or Annuities 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 Treasurer or Clerk, or any other Person 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 this Act, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer to the Commissioners or any other Person by virtue of this Act.

Saving the Rights of the Corporation.

XCIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend or affect in any

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 whatsoever, except with respect to the taking and using such Part of the Common near *Southampton* as may be necessary for the Purposes of this Act and of the Works hereby authorized to be made.

Public Act.

XCIV. 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.

SCHEDULE to which this Act refers.

Warrant of Distress for Nonpayment of the Rates.

Southampton } To the
to wit. } the Town and County of the Town of Southampton, and to all Constables and other Peace Officers of the same Town and County. in

WHEREAS the under-mentioned Persons, now or late Inhabitants, Householders, 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 Rates duly made for the Purpose of an Act passed in the Sixth Year of the Reign of King William the Fourth, 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 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 that 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

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. - -	-

Warrant of Distress for Nonpayment of Money due for Water supplied to Ships or Vessels.

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

WHEREAS *A. B.* [*being a Master, Commander, or other Person having the Care or Charge of a Ship or Vessel belonging or resorting to the Port of Southampton, as the Case may be,*] has been supplied with Water by the Commissioners acting in execution of an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled [*set forth the Title of this Act*]: And whereas the said *A. B.* has neglected or refused to pay the Sum of for Money due from him for such Supply of Water. These are therefore, in His Majesty's Name, to will and require you or either of you forthwith to levy the said Sum of Money due from the said *A. B.* by Distress and Sale of his Goods and Chattels (such Goods and Chattels being kept by the Space of Five Days before the same are sold), rendering to him the Overplus, if any be, the reasonable Costs attending such Keeping, Distress, and Sale being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to us, to the end that 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 acting and assisting in all Things relating to the Premises. Given under our Hands and Seals this Day of in the Year of our Lord .

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