



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cxxiii.

An Act for establishing an improved Ferry between the Western Part of the Parish of *Erskine* in the County of *Renfrew* and *Dumbarton* in the County of *Dumbarton*. [4th August 1840.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making and maintaining a Railway from Glasgow to Greenock by Paisley and Port Glasgow, to be called "The Glasgow, Paisley, and Greenock Railway:"* And whereas it would be of great public Advantage if a convenient, safe, and improved Communication by means of Steam Boats or other proper Vessels or Boats or Rafts were established and maintained by the *Glasgow, Paisley, and Greenock Railway Company*, in connexion with the said Railway, and with the Turnpike Road from *Glasgow* to *Greenock*, for Passengers, Goods, Wares, Merchandize, Carriages, Horses, and Cattle, across the *River Clyde*, between a Point in the Western Part of the Parish of *Erskine* in the County of *Renfrew* and *Dumbarton* in the County of *Dumbarton*, with a proper and convenient Pier or Landing Place and Station and Works connected therewith; but these several Objects cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

7 W. & 1 Vict.
c. 116.

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Powers of recited Act extended to this Act in reference to purchasing the Ferry and the Land for the Pier and other Works.

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Directions, Payments, Remedies, Regulations, Exemptions, Restrictions, Matters, and Things contained in the said recited Act shall be extended and construed to extend to this Act in reference to the Purchase, Sale, and Conveyance of the Ferry or Right of Ferry herein-after mentioned, and of the Land required for the Pier, Works, and Stations hereby authorized to be made, and to the Assessment, Recovery, and Re-investment of the Price thereof, and shall operate and be in force for such Purposes as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act.

Company may establish and maintain a Ferry.

II. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to establish, keep, and maintain an improved Ferry, by One or more Steam or other Boats, Barge or Barges, Float or Floats, Raft or Rafts, or such other Vessels or Vessel as shall be sufficient and proper for the Conveyance of Carriages, Horses, Cattle, Goods, Wares, Merchandize, and other portable Articles, and Foot Passengers, over and across the River *Clyde*, between the said Parish of *Erskine* at or near to the Place called *West Ferry*, or at or near the Place called *East Lang Bank* or *East Bank*, in the said Parish of *Erskine* in the County of *Renfrew*, and *Dumbarton* in the County of *Dumbarton*, and to let such Steam Boats or other Boats, Barges, Floats, Rafts, or Vessels for Hire, and to erect and build a Ferry House and proper Offices for the Habitation and Use of the Person having the Care and Management of the said Ferry so to be established as aforesaid, and for the Convenience of Persons using the same, and to make, construct, and keep in repair, at or near the said Place called *West Ferry*, or *East Lang Bank* or *East Bank* aforesaid, a good and substantial Pier, Wharf, or other Landing Place and proper Causeways for the said Ferry, and also to make and maintain a proper and convenient Approach, Road, or other Communication from the said Pier, Wharf, or Landing Place to the main Line of the said *Glasgow, Paisley, and Greenock* Railway, and to the *Glasgow and Greenock* Turnpike Road, and from Time to Time to do or cause to be done all other Things necessary for establishing, maintaining, regulating, and managing the said improved Ferry, and making the same as useful and advantageous to the Public as may be; and all Persons with Carriages, Horses, Cattle, Goods, Wares, Merchandize, and other portable Articles, and all Foot Passengers, shall have free Liberty to pass over the said Ferry so to be established as aforesaid, upon Payment of the respective Tolls herein-after granted, without any Hindrance or Interruption of or by any Person or Persons whomsoever.

Plans, Sections, and Books of Reference to remain in the Custody

III. And whereas Plans and Sections describing the Lines and Levels of the proposed Piers and other Works connected with the said Ferry at *West Ferry* and *East Lang Bank* or *East Bank* in the Parish of *Erskine* and County of *Renfrew*, and the Lands upon or through which the same are intended to be carried or made, together with

with Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Sheriff Clerk of the County of *Renfrew*; be it therefore enacted, That the said Plans, Sections, and Books of Reference shall remain with and be kept by the said Sheriff Clerk in all Time coming; and all Persons interested in any Manner therein shall have Liberty at all reasonable Times to inspect or make Extracts or Copies of the said Plans, Sections, and Books of Reference, paying to the said Sheriff Clerk for every Inspection the Sum of One Shilling, and for Copies or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Plans, Sections, and Books of Reference so deposited with the said Sheriff Clerk, or true Copies thereof or of so much thereof respectively as shall relate to any Matter which may be in question, certified by the said Sheriff Clerk, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere.

of the Sheriff
Clerk.

IV. And be it further enacted, That the said Company, in making the said Pier, Wharf, or Landing Place and other Works hereby authorized to be made, shall have full Power to deviate from the Lines delineated on the Plans deposited as herein-before mentioned, with such Deviations in the Sections as may be necessary in consequence thereof: Provided always, that no such Deviation shall extend to a greater Distance in any Place than One hundred Yards from the Lines so delineated on the said Plans, nor shall such Deviation extend into any Lands not described on the said Plans, nor into the Property of any Person whose Name is not mentioned in the said Books of Reference, except with the Consent of the said Person in Writing first had and obtained: Provided always, nevertheless, that it shall not be lawful for the said Company, unless with the Consent in Writing of Lord *Blantyre*, his Heirs or Successors, to take any Land belonging to the said Lord *Blantyre* for the Purposes of the said Station, Pier, or Works, except to the North of the Line of the said *Glasgow, Paisley, and Greenock* Railway, and between the West Side of the new Ferry House and Garden at *West Ferry* aforesaid and the Burn immediately on the West of the old Ferry House, and only so much of the Ground within the said Limits shall be taken as may be necessary for the Purposes aforesaid, and such Ground, when required, shall be applied to the said poses, and to none other, unless with such Consent as aforesaid.

Company
may deviate
from Plan
not more
than 100
Yards.

V. And be it further enacted, That it shall not be lawful for the said Company to take or use any Land in the said Parish of *Erskine* belonging to Lieutenant General *Darroch* for the Purposes of the said Ferry or Works, without the Consent in Writing of the said Lieutenant General *Darroch*, or the Heirs succeeding to him in the said Lands.

Lands be-
longing to
General
Darroch not
to be taken
without Con-
sent.

VI. And be it further enacted, That if the said Company shall not within the Space of Two Years, to be computed from the passing of this Act, agree for and pay or cause to be valued and paid for the Lands which they are by this Act empowered to take or use, then

Limiting
Time for the
Purchase of
Lands.

then and from thenceforth all the Powers hereby granted to the said Company for taking or using any such Lands shall cease and determine and be wholly void, save only and except with the Consent in Writing of the Owners thereof respectively.

Lands bought of any Corporation or Person under Disability, how to be valued.

5 & 6 W. 4. c. 8.

Limiting Period for Completion of Works.

Repealing Clause in recited Act regarding Ferries belonging to Lord Blantyre.

Company may purchase West Ferry.

VII. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands or Heritages, other than the Ferry or Right of Ferry herein-before and herein-after mentioned, to be purchased from or conveyed by any Person or Corporation under any Disability or Incapacity, as in the said recited Act mentioned, and not having Power to sell, except under the Provisions therein and herein contained, and the Compensation Money to be paid for any permanent Damage or Injury to such Land, shall not be less than shall be determined by the Verdict of a Jury, or by such able practical Surveyor or Valuer of Lands as the Sheriff for the County wherein the Lands or any Part thereof shall be situate shall for that Purpose nominate; and such Survey or Valuer shall annex to his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof in the Form, or as near thereto as the Circumstances of the Case will admit, prescribed in the Schedule of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, for the Suppression of voluntary and extra-judicial Oaths and Affidavits.

VIII. And be it further enacted, That in case the Works hereby authorized to be made shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this and the said recited Act in relation thereto shall cease and determine, save only and except as to so much (if any) of the said Works as shall have been completed within the said Term; and the Sheriff of the County in which the same are situate is hereby authorized and required, at any Time before the Expiration of the said Term of Five Years, or within Six Months next after the Expiration thereof, to grant a Certificate of such Completion upon the Evidence of Two or more credible Witnesses to be adduced before such Sheriff for that Purpose.

IX. And whereas it is enacted by the said recited Act that none of the Operations of the said Company shall interfere with, injure, or affect the Ferries or Rights of Ferries of Lord *Blantyre*: And whereas it is expedient that the said recited Provision should be repealed, and other Provisions enacted in lieu thereof; be it therefore enacted, That the same shall be and the same is accordingly hereby repealed, but in so far only as may be required for the Purposes of this Act.

X. And be it further enacted, That the said Company shall and they are hereby empowered to purchase from and make such Satisfaction and Compensation to the Owner of the Ferry called *West Ferry*, his Heirs and Successors, for the Ferry belonging to him or them across the said *River Clyde* to and from *Dumbarton* (in lieu whereof

whereof the said improved Communication is hereby authorized to be established), as may be mutually agreed upon, and in case the same shall not be settled by private Agreement, as may be ascertained and settled by the Verdict of a Jury, in the same Manner as the Price of any Lands to be taken in pursuance of the said recited Act is directed to be settled in case of Dispute about the Value thereof.

XI. And be it further enacted, That it shall and may be lawful to and for the said Company, by and with the Consent and Approbation of the Sheriffs of the Counties of *Renfrew* and *Dumbarton*, to make such Rules, Bye Laws, and Orders as they shall judge proper for the good Government of the said Ferry, and of the Officers, Agents, or Workmen connected therewith, and for the more complete Superintendence and Management of the said Ferry, and the well and orderly using the same and the Pier and other Works thereunto appertaining, and regulating the Entrance, mooring, and Accommodation of the Passage Vessels and Boats plying at the said Ferry or using the said Pier and Works, and for regulating the Weights of Carriages passing along the said Pier, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, and others who shall belong to such Passage Vessels or Boats, or be employed in or about the said Pier and other Works, and for the Regulation of Passengers, Carriages, Horses, Cattle, Sheep, or other Animals, Goods, Wares, Merchandize, or other portable Articles coming upon the Pier or Landing Place aforesaid, and for the Prevention of Obstruction or Interruption of the Passage of or across the said Ferry in any manner of way whatsoever, and to sanction the Imposition and Infliction of such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to them shall seem meet, not exceeding the Sum of Five Pounds Sterling for any Offence: Provided always, that no such Rule, Bye Law, or Order which shall be made by the said Company under the Authority of this Act shall be inconsistent with or repugnant to the Laws of *Scotland*, or to the Provisions and Directions in this Act contained, or to any of them: Provided also, that no such Rules, Bye Laws, or Orders to which a Penalty shall be attached shall come into operation until the same shall have been confirmed by the said Sheriffs or One of them; and the said Sheriffs or Sheriff shall not confirm any such Rules, Bye Laws, or Orders unless Notice of the Application for such Confirmation shall have been given in some Newspaper circulating in the said County of *Renfrew* at least One Calendar Month before Confirmation, which Notice shall specify the Day and Hour when such Confirmation is to be given, and shall also intimate that a Copy of the proposed Rules, Bye Laws, or Orders is hung up in the Offices of the Sheriff Clerks of the Counties of *Renfrew* and *Dumbarton* respectively, and is open to the Inspection of all Persons without the Payment of any Fees; and any Person conceiving that he will be aggrieved by any such Rules, Bye Laws, or Orders may be heard thereon before the said Sheriffs or either of them, but not so as to allow of more than One Party present being heard on the same Matter of Objection, nor shall any Party be entitled to be heard unless Notice in Writing shall have been lodged with the said Sheriff Clerks at least Three Days previous to the Day appointed for taking

Company
may make
Bye Laws,
&c. subject
to Confirmation
by the
Sheriff.

Copies of
Laws to be
affixed in
conspicuous
Places about
the Ferry.

such Rules, Bye Laws, or Orders into consideration; and provided also, that such Rules, Bye Laws, and Orders shall be written or printed, or painted on Boards, and affixed and continued in some conspicuous Place or Places at or near the said Pier or Landing Place, and shall be renewed from Time to Time when defaced.

Saving Com-
pany's Rights
of Ferry.

XII. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, except the said Company, or those acting under their Authority, to carry for Hire Passengers, Carriages, Horses, Cattle, Sheep, or other Animals, or Goods, Wares, or Merchandize, across the Ferry aforesaid, or to or from the Pier, Wharf, or Landing Place to be erected as aforesaid; and any Person offending in any of the above Particulars shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Penalty on
wilful
Damage to
Works.

XIII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully and maliciously injure or damage any of the Piers, Wharfs, Landing Places, or other Works which may be constructed under the Authority of this Act, or any of the Materials intended for any of the said Works, or any of the said Passage Vessels, or Boats or Vessels used for the Purposes of the said Ferry, every such Person or Persons so offending, upon being lawfully convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, besides repairing and paying the Damages and Loss thereby occasioned.

Power to
levy Rates.

XIV. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized and empowered to levy, or to order and direct to be levied, the following Rates and Duties as and for the Passage of the said Ferry:

For every Coach, Barouche, Landau, or other Double Four-wheeled Carriage or Hearse, a Sum not exceeding Seven Shillings:

For every Four-wheeled Chaise, Chariot, or Phaeton, a Sum not exceeding Five Shillings:

For every Curricule, a Sum not exceeding Four Shillings:

For every One Horse Chaise or Gig, a Sum not exceeding Three Shillings:

For every Horse used in drawing any Carriage of the above Description, a Sum not exceeding Nine-pence:

For every Waggon, Cart, or other such like Carriage, where any such Carriage and the Loading thereof taken together shall not exceed One Ton Weight, a Sum not exceeding Two Shillings:

For every Horse used in drawing any Carriages of the last-mentioned Description, a Sum not exceeding Sixpence:

For every Saddle Horse or led Horse, a Sum not exceeding Sixpence:

For every Stallion, a Sum not exceeding Five Shillings:

For every Mule or Ass, a Sum not exceeding Three-pence:

For every Ox, Bull, Cow, or Heifer, a Sum not exceeding Sixpence:

For every small Highland Ox, Bull, Cow, or Heifer, a Sum not exceeding Three-pence:

For every Goat, Calf, Pig, Sow, Boar, or Hog, a Sum not exceeding Two-pence:

For

For every Sheep, a Sum not exceeding One Penny Halfpenny:
 For every Lamb, Kid, or Dog, a Sum not exceeding One Penny:
 For Grain, Flour, Meal, Hay, and Straw, Goods, Wares, and Merchandize, a Sum not exceeding at the Rate of Sixpence *per* Hundred Weight:
 For every Passenger in a Steam Vessel, a Sum not exceeding Sixpence:
 For every Passenger in a Boat (except in Steam Boats), the Sums following:
 For every single Passenger, Nine-pence; Two Passengers, Sixpence each; Three or more, Four-pence each.

XV. And be it further enacted, That it shall and may be lawful for the said Company to lessen the Rates and Duties aforesaid from Time to Time, and again to raise the same to any Sums not exceeding the Amount herein-before specified. Power to vary the Rates.

XVI. And be it further enacted, That it shall and may be lawful for the said Company to order and direct to be levied, for and in respect of the landing on or Departure from the said Pier, Wharf, or Landing Place of any Carriages, Horses, Carts, Cattle, Sheep, or other Animals, Goods, Wares, Merchandize, or other portable Articles, or Passengers, to or from any Steam or other Boat or Vessel in the said River *Clyde*, the same Rates and Duties respectively which are hereby authorized to be levied for or in respect of carrying Carriages, Horses, Cattle, Sheep, or other Animals, Goods, Wares, Merchandize, or other portable Articles, or Passengers, across the said Ferry. Rates to be levied on Passengers landed on the Pier from Steam Boats, &c.

XVII. And be it further enacted, That the Tolls to be taken by virtue of this Act shall be at all Times charged equally to all Persons and after the same Rate in respect of all Passengers and of all Animals or Carriages, and no Reduction or Advance in any of the said Tolls shall be made either directly or indirectly in favour of or against any particular Company or Person. Tolls to be reduced equally.

XVIII. Provided always, and be it further enacted, That nothing herein contained shall be held to entitle any Person to make use of the said Pier, Wharf, or Landing Place so to be constructed as before mentioned, by laying any Ship, Boat, Vessel, or Craft of any Kind alongside the same, or by attaching any Rope thereto, or by landing thereat or putting on board therefrom any Goods, Wares, Merchandize or other Articles or Things, or any Passenger, in any other Manner than such as shall be settled by the said Company. Prohibiting Persons using Pier without Consent.

XIX. And be it further enacted, That the said Company may and they are hereby authorized to erect or cause to be erected Engines or Machines at or near the said Pier for weighing all Goods and Merchandize, and also all Carts and similar Carriages, which shall cross the said Ferry, in order to ascertain the Toll to be taken for such Carts or Carriages and Goods and Merchandize; and such weighing shall take place before they shall be permitted to be put on board any Boats plying at the said Ferry, or be permitted to leave such Company authorized to erect Weighing Machines.

such Pier, Wharf, or Landing Place; and in case any Person or Persons shall hinder or obstruct the weighing of any such Carriages, Goods, or Merchandize aforesaid, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings Sterling.

Table of Rates and Penalties to be fixed and continued at the Pier.

XX. And be it further enacted, That a Table of the Rates and Duties hereby authorized, showing the Amount thereof directed to be levied, and of the Penalties hereby imposed, shall be fixed and continued in legible Characters at the said Pier, Wharf, or Landing Place.

Penalty for defacing Table of Rates.

XXI. And be it further enacted, That if any Person or Persons shall wantonly deface, take down, remove, or destroy or injure in any manner of way any such Table of Rates and Duties, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings, besides the Expence of replacing or repairing any such Table.

Company to keep up and maintain Ferry, &c.

XXII. And be it enacted, That the said Company shall, after the Purchase of the said Ferry has been made and completed, make and keep up and maintain in all Time coming, and in a proper and efficient Manner, the said improved Ferry and Works hereby authorized to be made and constructed, and shall be subject and liable to all and every the Conditions and Obligations now incumbent on the Owner or Owners of the said Ferry called *West Ferry*: Provided always, that in case the said Company shall, after the said Purchase has been made and completed, neglect to make or keep up the said Ferry and Works in manner herein-before mentioned, all the Tolls and Rates hereby granted shall cease and determine.

Company not to acquire Possession until the Purchase of the Ferry shall be completed.

XXIII. And be it further enacted, That nothing in this Act contained shall be deemed, construed, or taken to authorize, empower, or require the said Company to take possession of the said Ferry called *West Ferry*, or of the Land requisite for the Construction of the said Pier, or to do any Act, Matter, or Thing under the Provisions of this Act, until the Purchase of the said Right of Ferry shall have been duly made and completed between the Owner thereof and the said Company.

Right of Exemption of Burgesses of Glasgow and Dumbarton not to be extended.

XXIV. And be it enacted, That nothing herein contained shall be held to operate as any Extension or Enlargement, either directly or indirectly, of any Right of Exemption that may be now enjoyed by the resident Burgesses of *Glasgow* and *Dumbarton* respectively under the Acts of Parliament for improving the Navigation of the River *Clyde* or otherwise.

Limiting Extent of Pier.

XXV. And be it enacted, That nothing herein contained shall authorize the said Railway Company to carry any Pier, Wharf, Quay, or other Works to be made or constructed for the Purposes of the said Ferry or otherwise to a farther Extent in the said River *Clyde* than the Low-water Boundary, or so as in any way to encroach upon or obstruct the navigable Channel of the said River.

XXVI. And be it enacted, That such Pier, Wharf, Quay, or other Work so to be constructed and any Pier, Wharf, Quay, or other Work to be constructed in connexion therewith in the Water-way of the said River shall be placed upon open Piles, so as not to obstruct the free Passage of the Waters; and it shall not be lawful for the said Railway Company to permit Vessels to lie at the Extremity or North Termination of such Pier, Wharf, or other Work or in the navigable Channel of the said River, excepting only the ordinary Ferry Boat, or One Vessel at a Time touching thereat temporarily *in transitu* for the Purpose of taking on board or landing Passengers, Goods, Cattle, or other Matters or Things; and if it shall be necessary for the said Railway Company to provide Accommodation for Vessels not *in transitu*, but intended to lie, or load or unload, or remain stationary, any Pier, Wharf, Quay, or other Work constructed or used for such Purpose shall be placed back from or to the South of the said Low-water Boundary, so as that Vessels using the same shall lie to the South of the said Point, and in nowise lie in or encroach upon or obstruct the navigable Channel of the said River; and in case it shall be found expedient by the Trustees of the said River at any future Time to enlarge or widen the navigable Channel of the said River, so that the same shall be nearer to the Shore than the said Low-water Boundary, then the said Railway Company shall be obliged to carry back the Extremity of their said Pier, Wharf, Quay, or other Work to be constructed under the present Act, or so curtail the same as that the Extremity thereof shall lie to the South of and in nowise encroach upon or obstruct the navigable Channel of the said River so to be enlarged.

Pier not to obstruct the Navigation of the River Clyde.

XXVII. Provided always, and be it enacted, That if any Difference shall at any Time arise between the said Trustees of the River *Clyde* and the said Railway Company in regard to the Construction of any Piers, Wharfs, or Quays or other Works, or the Accommodation to be provided for the Vessels lying or loading or unloading or remaining thereat, or to the moving back the Extremity of the Pier, Wharf, or Quay in consequence of the further widening or enlarging the navigable Channel of the said River under any of the Provisions of this Act, the same shall be settled and finally determined by Two Engineers, the one to be named by the said Trustees and the other by the said Company, and in the event of their disagreeing by an Umpire to be named by such Engineers, and such disputed Works shall be executed at the Sight of such Engineers or Umpire, as the Case may be.

Differences to be referred to Arbitration.

XXVIII. And be it further enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the said Company, and be adjudged and recovered by and under the Authority of any Sheriff having Jurisdiction over the Party complained of; and it shall be lawful for the said Sheriff, on Complaint made to him by the said Company of any Offence against this Act, and he is hereby required to grant a Warrant to summon the offending Party before him, and upon Proof of such Offence by voluntary Confession, or by the Oath of One or more credible Witnesses or other legal Evidence,

Recovery and Application of Penalties.

[Local.]

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forthwith

forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record or Minutes of Evidence; and where the Sheriff shall find the Complaint relevant and proven, he shall find the Penalty due; and so soon as the Penalty has been found due, and its Amount fixed, the Sheriff shall decern for the Amount, with the Expences of Suit, in favour of the said Company; Provided always, that the Sheriff shall, at the same Time that he finds the Penalty due, and decerns for the Amount and Expences, grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Pounding and Sale of the Goods and Effects of the Offender, or by Imprisonment in the House of Correction, Bridewell, or Common Gaol wherein he is authorized by Law to incarcerate Offenders, for a Period at the Discretion of the Sheriff, but not exceeding Sixty Days; it being hereby provided, that a Record shall be preserved by the Sheriff Clerk of the County of the Complaint, Judgments, and Warrants.

For securing
Offenders
whose Names
and Resi-
dences are un-
known.

XXIX. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all 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 Dispatch before the Sheriff of the County or Magistrate acting for the District within which such Offence shall be committed, without any Warrant or other Authority than this Act; and such Sheriff or Magistrate is hereby empowered and required to proceed to the hearing and determining of the Complaint with all convenient Dispatch.

Expences
of Act.

XXX. And be it further enacted, That the Expences of this Act and other necessary Expences incurred preparatory thereto and in the Execution thereof shall be paid and defrayed by the said Company out of the Money received or to be received by them under the Authority of the said recited Act.

Public Act.

XXXI. 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.

selves, and shall be divided into One thousand four hundred Shares of Five Pounds Sterling each; and all Corporations and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and shall receive in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rates, Rents, and other Sums of Money to be received by the said Company as and when the same shall be divided by the Authority of this Act; and such Shares shall be considered as Personal Estate, and shall be transmissible accordingly.

IV. And be it further enacted, That the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards purchasing Lands and making and maintaining the Works by this Act authorized, and in otherwise carrying this Act into execution.

Application
of Money to
be raised.

V. And be it further enacted, That it shall be lawful for the said Company, and their Successors and Assigns, by themselves, their Deputies, Agents, Servants, Workmen, and Assistants, to make, construct, erect, dig, complete, maintain, lay down, fix, and keep Waterworks, Waterwheels, Houses and Buildings, Wells, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Conduits, Engines, Waste Gates, Stop Gates, Stop Cocks, Sluices, Banks, Bridges, Pumps, Pipes, Tunnels, Works, Machinery, and Conveniences in and through the Town and Borough of *Deal*, and the several Parishes of *Deal* otherwise *Saint Leonard Deal*, *Saint Mary Walmer*, and *Saint Martin Great Mongeham*, all in the County of *Kent*, and from Time to Time to regulate and conduct, continue, cleanse, open, widen, enlarge, alter, amend, and use the same, and discontinue the same, and make and maintain other Works as the said Company shall think fit and proper, subject to the Restrictions herein-after contained, and to bore, dig, trench and sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, Gravel, Sand, and any other Matter and Thing which may be dug or gotten or met with in and for the making, perfecting, and maintaining of the said Wells, Reservoirs, Tanks, Conduits, Cuts, Aqueducts, or the Trenches, Sluices, Drains, Watercourses, or other the Works of the said Company, or which may prevent or obstruct the making, completing, maintaining, and using the same or any of them respectively; and for effecting the Purposes aforesaid the said Company, and their Officers, Workmen, and Servants are hereby empowered, to go, enter, and pass in, upon, over, under, and through all or any of the Rivers, Brooks, Streams, Waters, Watercourses, Highways, Roads, Waste Lands, Streets, Lanes, Alleys, and Passages, and all other Lands and Places of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, mentioned and specified in the Plan and Book

Company
authorized to
make the
Waterworks.

of

of Reference herein-after mentioned (save and except as herein-after mentioned), and are also hereby empowered to set out and ascertain such Part or Parts thereof as they the said Company shall think necessary and proper for making, completing, maintaining, improving, and using the said Waterworks, Machinery, Wells, Reservoirs, Pipes, Conduits, Cuts, Aqueducts, and all such other Works, Matters, and Conveniences as they shall think necessary for effecting the Purposes aforesaid, and also from Time to Time to dig and break up the Soil and Pavements of any present or future Roads, Highways, Footways, Streets, Alleys, Passages, and public Places within the said Town and Borough of *Deal*, and the said several Parishes of *Deal* otherwise *Saint Leonard Deal*, *Saint Mary Walmer*, and *Saint Martin Great Mongeham*, in such Place and in such Manner as shall be necessary for the Purposes aforesaid, and also to construct, erect, do, and perform all other Matters and Things which shall be deemed necessary and convenient for making, completing, improving, and continuing the said Waterworks, and for conveying and bringing a sufficient Supply of Water to and through all and every the several Streets, Lanes, Roads, Footways, Alleys, Passages, Courts, and public Places of and in the said Town and Borough of *Deal* and Parishes adjacent for the Use of the said Town and Borough and several Parishes respectively, and for distributing and conveying such Water to the respective Houses, Factories, Hospitals, Barracks, Prisons, Baths, Warehouses, Workshops, Offices, and other Buildings and Premises within the Limits of this Act, they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to the Owners and Proprietors of and all Persons interested in any Lands, Tenements, or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Servants, Agents, and Workmen, and all Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained.

Works to be made according to Plan deposited with the Clerk of the Peace.

VI. And whereas a Map or Plan and Section describing the Line of the intended Channels, Cuts, Tunnels, or Aqueducts, and the Lands through which the same is or are intended to be carried, and the Situation of the intended Wells, Reservoirs, and Works, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Kent*; be it therefore enacted, That the said Map or Plan and Section and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being or his Deputy; and all Persons shall at any reasonable Times have Liberty to inspect and peruse the same, and have a Copy thereof or such Part thereof as such Persons shall require, such Copies to be made by the Clerk of the Peace or his Deputy, on being paid the Sum of One Shilling for

for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies; and the said Company shall not, in laying and making such Channels, Cuts, Tunnels, Pipes, or Aqueducts of the aforesaid Waterworks, deviate more than One hundred Yards from each Side of the said Line or Course so described in the said Map or Plan, nor make any Reservoirs, Tanks, Works, or Dams in any other Land, Grounds, or Situation than in those therein described, without the Consent in Writing of the Owner or Owners and Occupier or Occupiers of the Lands or Grounds into which they shall so deviate.

VII. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making of the said Waterworks, Buildings, Reservoirs, Wells, Aqueducts, Pipes, Engines, Wheels, and other Machinery and Conveniences hereby authorized to be made, on account of any Error or Omission in the said Map or Plan, Section, and Book of Reference, or either of them, in case it shall appear to any Two or more Justices of the Peace acting for the Borough of *Deal*, or the Liberties of the Cinque Ports, or for the County or Place where the Lands shall be situate, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake only.

Unintentional Error in Plan or Book of Reference not to prevent the Works being made.

VIII. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize and empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purpose of the said Waterworks, Buildings, Reservoirs, Aqueducts, Pipes, Engines, Wheels, and other Machinery and Conveniences hereby authorized to be made, any House or other Building, or any Land or Ground which is now set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted or set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively first had and obtained.

Houses, &c. not to be injured or taken without Consent.

IX. And be it further enacted, That the Boiler or Boilers, Furnace or Furnaces of every Steam Engine to be erected, built, or used by the said Company, or their Successors, Agents, Deputies, or the Persons by them authorized or employed, shall be constructed upon the best and most improved Principle for consuming the Smoke of every such Engine, or that the said Company, their Successors, Agents, Deputies, or the Persons by them authorized or employed, shall at all Times use, burn, or consume, in the Fire or Furnace of every Steam Engine to be erected, built, or used by them, Coke or the Coal commonly called *Welsh* Coal, or other Coal producing the least possible Smoke.

Steam Engines to consume their own Smoke.

X. And be it further enacted, That it shall and may be lawful to and for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Persons empowered to sell and convey Lands,

[Local.]

29 K

and

and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them if incapacitated or not to be found, and for and on behalf of their Wives, Wards, Idiots, and Lunatics respectively, and in the same Manner and to the same Extent as such Wives, Wards, Idiots, and Lunatics respectively could have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert seised, possessed of, or interested in their own Right or entitled to Dower or other Interest in, and for all other Persons whatsoever seised or possessed of or interested in any such Lands, to contract for, sell, and convey the same or any Part thereof under the said Company; and all Conveyances of Land required for the Purposes of this Act shall be made at the Expence of the said Company; and such Conveyances may be according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (namely,)

Form of
Conveyance.

‘ I of _____ in consideration of the Sum
‘ of _____ paid to me [or into the Bank of England (as the
‘ Case may be)] by the Company of Proprietors of the Deal Water-
‘ works, do hereby convey [or assign (as the Case may be)] to the
‘ said Company all [here describe the Premises to be conveyed], and
‘ all such Estate, Right, Title, and Interest in and to the same and
‘ every Part thereof as I am or shall become seised or possessed of
‘ or are by the said Act capacitated to convey, to hold to the said
‘ Company, their Successors and Assigns for ever, according to the
‘ true Intent and Meaning of the said Act. In witness thereof I have
‘ hereunto set my Hand and Seal this _____ Day of _____
‘ in the Year of our Lord _____ .’

And all such Conveyances as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests, so thereby conveyed or aliened, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same, compensated for by means of the Consideration in such Conveyance; but although the Terms shall be merged they shall in Equity afford the same and the like Protection and Priority as if they were assigned and kept on foot in Trust for the said Company, and to attend the Reversion and Inheritance; and it shall be lawful for the said Company to insert any special Agreements or Covenants in such Conveyances whenever they may be advised that the same are necessary.

Satisfaction
to be made
for Lands to
be taken.

XI. And be it further enacted, That all Corporations and Parties by this Act capacitated to sell and convey any Lands, and the respective Owners and Occupiers of any Lands, and all Persons interested in any Lands, Tenements, or Hereditaments, through or upon which

the Works hereby authorized are intended to be made, shall and may agree to accept and receive, and subject to such Restriction as in this Act contained as to the Payment thereof shall and may accept and receive, Compensation or Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and for any Injury or Damage by them sustained by reason of the Execution of the Works by this Act authorized, as shall be agreed upon by and between the said Parties or Persons respectively, or any of them, and the said Company; and in case the said Company and such Parties respectively cannot agree as to the Value of the Premises or the Amount of such Compensation or Satisfaction, the same shall be settled and ascertained by the Verdict of a Jury, if required, as herein-after directed.

XII. Provided always, and be it further enacted, That the Consideration Money agreed to be paid for any Land to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity as aforesaid, or not having Power to sell except under the Provisions herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, or if such Person or Corporation shall be absent from the United Kingdom, or cannot be found, then by such Surveyor as any Two Justices acting for the County of *Kent* shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof in the Form prescribed by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affirmations;'* and to make other Provisions for the Abolition of unnecessary Oaths.

Landsbought of Corporations or Persons under Disability to be valued by Surveyors.

A Declaration of the Valuation to be annexed to the Survey.

5 & 6 W. 4. c. 62.

XIII. Provided always, and be it further enacted, That if any Corporation or Person so seised of or interested in and capacitated to convey any Lands authorized by this Act to be purchased by the said Company cannot agree with the said Company or their Directors as to the Value of the Premises or the Amount of such Compensation or Satisfaction, or shall refuse to accept such Purchase Money or other Compensation as shall be offered by the said Company or their Directors respecting the Purchase of any such Premises or the Satisfaction to be made for any such Injury or Damage, and shall give Notice in Writing to the Clerk or Clerks of the said Company or of the said Directors, requiring a Jury to be summoned for the Purpose of assessing the Price of such Purchase or the Amount of such Satisfaction, or if any Body Politic, Corporate, or Collegiate, or any Person or Persons so interested or entitled as aforesaid, shall, for the

In case Parties refuse or are incapable to treat the Value of the Land and Damages to be settled by a Jury.

Space

Space of One Calendar Month next after Notice in Writing shall have been given by the Clerk or Clerks of the said Company or of the said Directors to the principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, neglect or refuse to treat or shall not agree with the said Company, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement and Conveyance as shall be necessary or expedient for enabling the said Company to take such Lands or to proceed in executing their Powers under this Act, or shall not produce and fully disclose the State of the Title to the Premises which he, she, or they respectively is or are or shall be in possession of, and the Interest which he, she, or they respectively may claim therein, or in any other Case where the Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Land required for the Purposes of this Act, cannot be made, then and in every such Case the said Company shall and they are hereby empowered and required, after the Expiration of One Calendar Month from the Day of the Service of any such Notice, forthwith to issue a Warrant under the Common Seal of the said Company, or under the Hands and Seals of Three of the Directors of the said Company, directed to the Mayor of the Borough of *Deal* in case the Lands in question shall be situate or the Matter in dispute shall arise within the said Borough, and in every other Case to the Sheriff or Bailiff of the County or Place where the Lands in question shall be situate or the Matter in dispute shall arise, or if such Mayor, Sheriff, or Bailiff respectively shall be in anywise interested in the Matter in question then to the Coroner of such Borough, or the Coroner or One of the Coroners of such County or Place, as the Case may be, not interested as aforesaid, or if the Coroner of such Borough, or the Coroners or all the Coroners of such County or Place, as the Case may be, shall be so interested, then to some Person living in such Borough, County, or Place, as the Case may be, and free from personal Disability, who shall have filled the Office of Mayor or of Coroner of the said Borough, or of Sheriff, Bailiff, or Coroner of such County or Place, and not interested as aforesaid, commanding such Mayor, Sheriff, Bailiff, Coroner, or other Person to impanel, summon, and return a Jury for assessing the Value or Amount thereof; and such Mayor, Sheriff, Bailiff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of at least Eighteen honest, sufficient, and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and the said Mayor, Sheriff, Bailiff, Coroner, or other Person is hereby required out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Mayor, Sheriff, Bailiff, Coroner, or other Person shall return other honest, sufficient, and indifferent Men of the Standers-by, or that can be speedily procured to attend that

that Service (being qualified as aforesaid), to make up the said Jury to the Number of Twelve ; and it shall and may be lawful to and for all Persons concerned to have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array ; and the said Mayor, Sheriff, Bailiff, Coroner, or other Person is empowered and required, by a Summons or Notice to be signed by such Mayor, Sheriff, Bailiff, Coroner, or other Person either previous to or at the Time of any such Meeting, to call before him all such Persons who shall be thought necessary and proper to be examined as Witnesses upon Oath touching and concerning the Premises ; and the said Mayor, Sheriff, Bailiff, Coroner, or other Person may order and authorize the said Jury, or any Three or more of them, to view the Place or Matter in question, if there be Occasion, and to use all other lawful Ways and Means, as well for his own as for the Juries better Information in the Premises, as the said Mayor, Sheriff, Bailiff, Coroner, or other Person shall think fit ; which Jury, upon their Oaths, (which Oath, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Mayor, Sheriff, Bailiff, Coroner, or other Person is hereby empowered and required to administer,) shall inquire of, assess, and ascertain and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, and also the separate and distinct Sum of Money to be paid by way of Recompence and Satisfaction to any such Corporation or Person in respect of any such Loss, Damage, or Injury sustained, or to be ascertained as aforesaid ; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction the said Mayor, Sheriff, Bailiff, Coroner, or other Person shall thereupon order the Sum of Money so assessed by the said Jury to be paid by the said Company, or by the said Directors on their Behalf, to the said Owner or Occupier of or other Person interested in the said Lands, according to such Verdict or Inquisition of the said Jury, and shall give Judgment for such Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury ; which said Verdict or Inquisition, Order and Judgment thereon, pronounced as aforesaid, shall be signed by the said Mayor, Sheriff, Bailiff, Coroner, or other Person, and shall be final, binding, and conclusive as to the Price or Compensation thereby awarded upon all Corporations and Persons whomsoever, except in such Cases as herein-after mentioned : Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to.

XIV. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Regulations and to the same Pains and Penalties for such Default as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of Her Majesty's Courts at *Westminster* ; and if any Person so summoned and required to give Evidence before the said

Penalties on
Jurymen and
Witnesses
not attend-
ing.

Jury touching the Premises shall neglect or refuse to appear, after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or shall not allege a sufficient Excuse to the said Mayor, Sheriff, Bailiff, Coroner, or other Person herein-before authorized for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before One of Her Majesty's Justices of the Peace for the Borough, County, Liberty, or Place where such Offence shall be committed, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, according to the Direction of the said Justice; and in case any such Penalty shall not be forthwith paid it shall and may be levied, by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person so offending the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any such Person who shall be impannelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

By whom
Expences of
Jury shall be
paid.

XV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for the same or more Money than shall have been previously offered for or on behalf of the said Company as a Recompence or Satisfaction for any such Lands as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person as aforesaid, all the Costs and Charges incurred in summoning, impanneling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and the Fees and Expences of Counsel, and recording the Verdict of Judgment thereon, shall be borne by the said Company out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Twenty-one Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Charges out of the Monies received by him or them by virtue of this Act, which he or they is and are hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the Borough, County, Liberty, or Place where such Goods or Chattels may be, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or

agree as before mentioned and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any such Justice of the Peace for the said Borough, County, Liberty, or Place not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for the Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

XVI. And be it further enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties or assessed by any Jury or Juries in manner aforesaid, or by any Justice as herein-after mentioned, for the Purchase of any Lands, or as a Compensation for Damages as aforesaid, to the Proprietor or Proprietors of such Lands, or to such other Person as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed, or if the Person so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands respectively, (or before such Payment, Tender, or Investment, with the Consent in Writing of the Proprietors and Owners thereof,) and then and thereupon all the Estate, Use, Trust, and Interest of any Person or Persons therein, paid or compensated for by means of such Payment, Tender, or Investment, shall thenceforth be vested in and become and be the sole Property of the said Company to and for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed

Power to enter on Lands on Payment of Purchase Money.

to

to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his or her or their Issue, and of every other Person whomsoever therein, paid or compensated for by means of such Payment, Tender, or Investment: Provided nevertheless, that before such Payment, Tender, or Investment in the Bank of *England* as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to dig, enter, or cut into, take, or use such Lands, Tenements, or Hereditaments for the Purpose of making the said Waterworks or other Works hereby authorized to be made, without the Leave of the respective Owners and Occupiers thereof in Writing under their respective Hands.

Verdicts of Juries to be recorded.

XVII. And be it further enacted, That the said Verdicts and Judgments so given shall be transmitted by the Mayor, Sheriff, Bailiff, Coroner, or other Person before whom the same shall be taken as aforesaid, to and kept by the Clerk of the Peace or other Person having the Custody of the Records of the General or Quarter Sessions to be holden for the said Borough of *Deal*, (in case the Land in question shall be situated or the Matter in dispute shall have arisen within the said Borough,) or for such County, Liberty, or Place where the Land in question shall be situated or where the Matter in dispute shall have arisen, and shall be deposited with and be deemed to be Records of such General or Quarter Sessions respectively to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, or to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Compensation for Land or Damages, if less than 20*l.*, to be settled by Two Justices.

XVIII. And be it further enacted, That in case the Value or Amount of any Compensation or Satisfaction to be made for any of the Lands aforesaid, or for any Damages from Time to Time claimed or to be claimed, shall be alleged to amount to any Sum under Twenty Pounds, then such Value, Compensation, or Satisfaction shall or may be ascertained and settled by any Two Justices of the Peace acting for the Borough, County, Liberty, or Place where such Difficulty shall arise, and shall and may be levied and recovered by Warrant under the Hands and Seals of any such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the said Company, unless the Treasurer of the said Company shall pay and discharge the same within Twenty-one Days next after the Day the same shall be ascertained and settled by such Justices as aforesaid, which he is hereby authorized and empowered to do, out of any Monies received or to be received by him as such Treasurer as aforesaid.

Application of Compensation Money when 20*l.* or upwards.

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands purchased, taken, or used by virtue of the Powers of this Act, or for any Interest therein, or for any Compensation under this Act, which any Corporation, Tenant in Tail or for Life, Husband, Guardian, Trustee or Feoffee in Trust, Committee,

mittee, Executor or Administrator, Feme Covert, or any Person whomsoever, for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trust, or any Person whomsoever whose Lands are limited in strict or other Settlement, or any Person under any Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Company of Proprietors of the *Deal* Waterworks," pursuant to the Method prescribed by an Act passed in the First Year of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, in the Purchase of the Land Tax, or towards the Discharge of any Debt, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same Lands, or affecting other Lands settled therewith to the same or like Uses, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Cent.* Consolidated or Three Pounds *per Cent.* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase and Settlement were made.

XX. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed or be equal to the Sum of Twenty Pounds, then

[Local.]

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and

When less than 200l. and not less than 20l.

1 G. 4. c. 35.

and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees and under the Common Seal of the said Company, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 20l.

XXI. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds then and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

XXII. And be it further enacted, That in case the Person or Persons to whom any such Money shall be so agreed or awarded to be paid as aforesaid shall refuse to accept the same, or cannot be found, or shall be absent from *England*, or shall refuse or neglect or be unable to make a good Title to the Premises to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances, or if the Person or Persons entitled to such Lands be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums so agreed or awarded to be paid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to any such Sum of Money, or to any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Interests of the Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the

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

XXIII. And be it further enacted, That all Costs, Charges, and Expences; on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the Company may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, and to the Title and Conveyance of any outstanding Terms or Estates which the said Company may require to be called in or conveyed, and to the laying out and re-investing of the Purchase Money, where the same shall be required or directed to be laid out and invested, in the Purchase of other Lands, to be settled to the same or the like Uses as the Lands to be sold, shall be exclusively borne and paid by the said Company; and the said Company, before entering into possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same, in such Manner as herein mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of the said Costs, Charges, and Expences to the said Company.

Expences of
Titles to be
paid by the
Company.

XXIV. And be it further enacted, That if the said Company and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Company shall

How such
Expences
shall be
ascertained.

shall not be at liberty to enter into possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited the Sum claimed in respect of the same in the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The Company of Proprietors of the *Deal* Waterworks," pursuant to the Method prescribed by the herein-before mentioned Act of the First Year of the Reign of His late Majesty King *George* the Fourth; which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences as ascertained and allowed by the said Court: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be borne and paid by the said Company, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

Persons in Possession to be presumed to be entitled.

XXV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person who shall have been in possession of such Lands at the Time of such Purchase by the said Company, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person was or were lawfully entitled to such Lands, or to some Estate or Interest therein.

Court may order Expences of Purchases and Investments to be paid by Company.

XXVI. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, or any Interest therein or Charge thereon, or from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money after mentioned, the Purchase Money for any Lands, or Interest therein or Charge thereon, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending the

Purchase, taking, or using of such Lands, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government Securities, and of the Re-investment of the Government Securities purchased therewith, in the Purchase of other Lands, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of the Government Securities upon which such Purchase or Compensation Money may be invested, and also for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government Securities as aforesaid, to be paid by the said Company hereby incorporated, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences hereinbefore mentioned as the said Court shall direct.

XXVII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby required, within Ten Years after the passing of this Act, to sell and dispose of any Part of the Lands which shall be conveyed to or vested in the said Company, and which shall not be wanted for the Purposes of the said Undertaking, and by Indenture under their Common Seal to convey the same accordingly, and all such Conveyances from the said Company shall be valid and effectual: Provided always, that before the said Company shall sell or dispose of any Part of the said Land, or their Estate or Interest therein, they shall first offer to sell the same to the Owner or Owners of the adjoining Lands by Notice in Writing to be delivered to such Owner or Owners of such adjoining Lands, or left at the House of such Owner or Owners of such adjoining Lands; and if the Owner or Owners of such adjoining Lands shall be desirous of re-purchasing the same he or they shall signify such his or their Desire and Intention in that Behalf to the said Company within One Calendar Month next after such Offer shall have been made; and in case such Owner or Owners shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire and Intention to re-purchase such Lands for the Space of One Calendar Month, then and in every such Case a Declaration pursuant to an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths* 5 & 6 W. 4. c. 62. *and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths,* made before a Master or Master Extraordinary in the High Court of Chancery by some Person not interested in the said Lands, stating that such Offer was made by or on behalf of the said Company in manner aforesaid, and that such Offer was refused or declined or was not accepted or agreed to by the Person or Persons to whom the same was made within the Space of One Calendar Month from the Day or Time of making the same, shall in all Courts what-

[Local.]

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soever

soever be sufficient Evidence and Proof that such Offer was made and was refused or declined, or was not accepted and agreed to within the Time aforesaid; and the Money produced by the Sale or Sales which may be made by the said Company of such Lands and Hereditaments as aforesaid shall and may be expended in such Manner as the said Company shall think fit.

Lands not sold within Time limited to vest in Owners of Lands adjoining.

XXVIII. Provided always, and be it further enacted, That if the said Company shall not within the Time herein before limited for that Purpose have sold such Parts of the Lands purchased by them as shall not be wanted for the Purposes of this Act, then and in such Case such last-mentioned Lands shall vest in the Owners for the Time being of the Land adjoining that which shall not have been then sold, in manner following; that is to say, one Moiety in the Owners of the Land on the one Side, and the Remainder in the Owners of the Land on the other Side thereof.

The Receipts of the Treasurer to be Discharges for the Purchase Money.

XXIX. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of Lands which may be sold under the Authority of the Act it shall be lawful for the Treasurer for the Time being of the said Company to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges for the Purchase Money of such Lands, or for so much thereof as in such Receipts respectively shall be expressed to be received; and the Person paying the same shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

Words of Conveyance to imply Covenants for Title.

XXX. And be it further enacted, That in all Grants and Conveyances to be made by the said Company under or by virtue, or in pursuance of the several Powers and Authorities to them hereby given, the Words "grant, bargain, and sell" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant, Release, or Conveyance seised of the Hereditaments and Premises thereby granted, conveyed, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof, against the said Company, their Successors and Assigns, and all claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Company and their Successors.

Deficiencies of Land Tax to be made good by the Company.

XXXI. And whereas, by reason of the Exercise of the Powers by this Act granted, there may be Deficiencies in the Assessment for Land Tax in the several Parishes through or in which the several Works hereby authorized may pass or be situate; be it therefore further enacted, That the said Company shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby

authorized to be made shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of such several Parishes as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes by reason of taking down or using, for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer to be appointed under this Act is hereby required to pay all Deficiencies, on Demand thereof, to the Collector of the said Assessments.

XXXII. And be it enacted, That the First General Meeting of the said Company shall be held at some convenient Place within the said Town and Borough of *Deal* within Three Calendar Months after the passing of this Act; and there shall be a yearly General Meeting of the said Company in the Month of *June* of every Year; and the said Company assembled at such General Meetings shall have Power to adjourn such General Meetings, and to order future General Meetings of the said Company, to be holden from Time to Time to and at such Place as shall at such General Meetings be thought proper and convenient; and in case at any Time no Adjournment of any General Meeting shall be made, or in case it shall be deemed expedient to call a Meeting on an earlier Day than the Day to which any General Meeting shall stand adjourned, or the Day appointed as aforesaid for the next future General Meeting, then it shall be lawful for any Three Directors of the said Company, or for any Ten or more Members of the said Company possessed of Five or more Shares each, to call a General or Special Meeting, to be held at such Time and Place as they shall think fit within the said Town and Borough of *Deal*, by Notice advertised in One or more Newspaper or Newspapers published in the Eastern Division of the said County of *Kent*, and by Notice posted at some public and convenient Place within the said Town and Borough of *Deal*, and also at some public and convenient Place within the said Parish of *Saint Mary Walmer*, mentioning the Time and Place and the Purpose of such intended Meeting if called for a special Purpose; and every Question, Order, Matter, or Thing which shall be proposed, discussed, or considered by the Proprietors or Members of the said Company assembled at any Meeting to be holden by virtue of this Act shall be determined by a Majority of Votes of the Proprietors of Shares in the said Undertaking then present, according to the Rules of voting herein-after contained; and on all Occasions every Proprietor of Five Shares and less than Ten Shares, so present as aforesaid, shall be considered to be possessed of and entitled to give One Vote; and every Proprietor of Ten Shares or upwards and less than Twenty Shares, so present as aforesaid, shall be considered as possessed of and entitled to give Two Votes; and every Proprietor of Twenty Shares or upwards and less than Forty Shares, so present as aforesaid, shall be considered as possessed of and entitled to give Three Votes; and every Proprietor of Forty Shares or upwards, so present as aforesaid, shall be considered

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as possessed of and entitled to give Four Votes ; but no Proprietor of less than Five Shares shall be entitled to give any Vote, nor shall any Proprietor be entitled to give more than Four Votes in respect of any Number of Shares he may be entitled to, and whether such Shares be the Property of One Individual or of a Plurality of Individuals ; and any Proprietor may also vote in right of his or her own Shares, as well as Committee of any Lunatic, Guardian of any Minor, Assignees of any Bankrupt or Insolvent, or Executors or Administrator of any Testator or Intestate, on the same Occasion ; and if the Number of such Votes shall be equal the Chairman presiding at such Meetings shall have the casting Vote as such Chairman, in addition to his Vote or Votes as a Proprietor : Provided always, that no Act shall be done by any General or Special General Meeting of the Proprietors (except the Adjournment of such Meeting) unless Ten at least of such Proprietors qualified to vote be present.

Appointment
of Directors.

XXXIII. And be it further enacted, That at the First General Meeting of the said Company to be holden next after the passing of this Act, or at any Adjournment thereof, Eight Directors for managing the Affairs of the said Company shall be elected out of the Proprietors of Shares of and in the Capital or Joint Stock of the said Company, and shall continue in Office until others shall be chosen in their Stead, as herein-after is mentioned ; provided that no Person shall be capable of being chosen, remaining, or acting as a Director who shall not be possessed of Twenty or more Shares of and in the Capital or Joint Stock of the said Company.

Eight Direc-
tors to go out
annually.

XXXIV. And be it further enacted, That Two of the Eight Persons so to be elected Directors as aforesaid, to be determined by Ballot among themselves, shall go out of Office at the General Meeting to be held in the Month of *June* in the Year One thousand eight hundred and forty-one ; and at the General Meeting to be held in the Month of *June* One thousand eight hundred and forty-two Two others of the said Eight Persons so to be primarily elected Directors as aforesaid (to be determined as aforesaid) shall go out of Office ; and at the General Meeting to be held in the Month of *June* One thousand eight hundred and forty-three Two others of the said Eight Persons so to be primarily elected Directors as aforesaid (to be determined as aforesaid) shall go out of Office ; and at the General Meeting to be held in the Month of *June* One thousand eight hundred and forty-four the remaining Two of such Eight Persons so primarily elected Directors as aforesaid shall go out of Office ; and at the General Meeting and in the Month of *June* in every succeeding Year Two of the Directors shall go out of Office ; and the Directors who shall annually go out of Office shall be taken in rotation in the Order in which they were elected or re-elected.

Annual Va-
cancies how
to be filled
up.

XXXV. And be it further enacted, That a General Annual Meeting of the Members of the said Company shall be holden in the Month of *June* in the Year One thousand eight hundred and forty-one, and in every subsequent Year, at such Time and at such Place within the said Town and Borough of *Deal* as the Directors shall appoint, of which Notice shall be posted at some public and convenient

venient Place within the said Town and Borough of *Deal*, and also at some public and convenient Place within the said Parish of *Saint Mary Walmer*, and also published in One or more Newspaper or Newspapers published in the Eastern Division of the County of *Kent* Fourteen Days at least before the Day of Meeting; and at such Meeting, or some Adjournment thereof, the same Number of Directors shall be elected as the Number of those Persons who shall then go out of Office as herein-before is mentioned.

XXXVI. Provided also, and be it further enacted, That at every annual Election of Directors any of the former Directors, being duly qualified, shall be re-eligible to the Office again immediately, or at any Time or Times afterwards, notwithstanding Time of Service shall have expired, or notwithstanding his having forfeited the Office by reason of Disqualification in case he shall have again become duly qualified; and every Director who shall be re-elected shall, with reference to the going out by Rotation, be considered as a new Director.

Directors
to be re-
eligible.

XXXVII. Provided always, and be it further enacted, That if any Person who shall be elected a Director shall take or contract to take or shall participate in any Manner in any Work to be done for the said Company, or in any Profit to be obtained by any such Work, or shall cease to be a Proprietor of Twenty or more Shares in the Company, such Person shall thereupon cease to be a Director, and shall be disqualified from being a Director.

Directors
how dis-
qualified.

XXXVIII. And be it further enacted, That so often as any Vacancy shall from Time to Time happen among the said Directors by Death, Resignation, or Disqualification, or any other Cause other than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think fit so to do, to elect some other Proprietor, duly qualified, to be a Director; and every Director so elected to fill such Vacancy shall continue in Office so long only as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he must, according to the Provisions of this Act, have gone out of Office.

Casual Va-
cancies how
to be filled.

XXXIX. And be it further enacted, That the Directors shall or may hold their Meetings from Time to Time at such Place within the said Town and Borough of *Deal* as they shall think proper, and have full Power and Authority to adjourn such Meetings from Time to Time and from Place to Place within the said Town and Borough of *Deal* as they shall think fit; and the said Directors shall at each Meeting appoint One of the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority in Number of the Directors present (the Number present not being less than Three), and each Director having but One Vote; and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman, such Chairman shall have the decisive and casting Vote; and if on the

Meetings of
Directors.

Day appointed for any Meeting of the said Directors Three Directors qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Directors or Director then present, or, if none be present, as the Clerk of the said Company, or such other Person as shall attend in his Place, shall appoint; and any Three or more Directors may, at any Time when they shall think fit, call a Meeting of the Directors by Notice in Writing signed by such Three or more Directors, or by the Clerk or Clerks to the said Company, to be sent by the Post or otherwise to the Residence or Address of every Director.

Powers of
Directors.

XL. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and shall have the Custody of the Common Seal of the said Company, with Power to use the same on their Behalf, and shall have full Power to meet and adjourn from Time to Time and from Place to Place, and also to fix the Time within the Month of *June* and Place within the Limit aforesaid of the Annual General Meetings, and also at any Time to call Special General Meetings of the said Company for any Purposes they may think proper, and to appoint the Times and Places in the said Town and Borough of *Deal* of holding General Meetings; and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out and disposed of for the Purposes of the said Company, as in contracting for and purchasing Lands, Materials, Goods, and Chattels for the Use of the said Undertaking; and entering into Agreements or Contracts for supplying with Water the Streets, Highways, Squares, Market Places, or Shops, Inns, Manufactories, Warehouses, private Houses, Buildings, or private Places as aforesaid; and in nominating, electing, appointing, placing, or displacing all Officers, Agents, or Servants of the said Company, and with Salaries, Gratuities, or other Recompence, as to the said Directors shall seem proper, and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles produced as aforesaid, and in working, enforcing, rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same; and shall have full Power to do all other Acts which the Company are hereby authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting, subject nevertheless to such Rules, Orders, Bye Laws, and Regulations as shall at any Time be duly made by the said Company in restraint, control, or regulation of the Powers and Authorities by this Act granted.

Security to
be taken from
the Treas-
urer.

XLI. Provided always, and be it hereby further enacted, That the said Directors shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Collector and Officer who shall have the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

XLII. Pro-

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

No Person to hold the Offices of Clerk and Treasurer at the same Time.

XLIII. And be it further enacted, That *John Ashley Warre, Isaac Blake Clarke, Edward Spencer Curling, Thomas England, John Chaplin, William Hulke, John Witherden Elwin, and Samuel Sackette*, and the Survivors and Survivor of them, shall be the first Directors of the said Company, and shall continue in Office until the First General Meeting to be held in pursuance of this Act; and the said Directors herein-before named shall and they are hereby required to appoint the Place of such First General Meeting in *Deal* aforesaid, and to give Notice thereof in the Manner herein-before provided with respect to General Meetings of the said Company; and until such First General Meeting shall be holden, and such Eight Directors shall have been duly elected as herein-before prescribed, the said Directors herein named, or the Survivors or Survivor of them, or such of them as shall continue to act, shall and may exercise all the Powers and Authorities by this Act given to the Directors to be elected in manner herein-before prescribed.

First Directors of the Company.

XLIV. And be it further enacted, That all Orders and Proceedings of the said Company shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered,

Minutes of Proceedings of Meetings to be kept.

entered, and signed by the Chairman appointed at each respective Meeting, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever.

Names of Proprietors to be registered, and Certificates of Shares delivered.

XLV. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons and Corporations who shall be then entitled to Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and after such Entry made to cause a Certificate, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and such Certificate shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, Successors, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and such Certificate may be in the Words or to the Effect following; (that is to say)

Form of Certificate.

The Company of Proprietors of the Deal Waterworks.
 Number ()
 THESE are to certify, That of is a
 Proprietor of the Share [or Shares, as the Case may be,] Number
 () of the Capital or Joint Stock of the Deal Waterworks
 Company, subject to the Rules, Regulations, and Orders of the
 said Company. Given under the Common Seal of the said Com-
 pany the Day of in the Year of our
 Lord

Directors to make Calls.

XLVI. And be it further enacted, That the said Directors shall have full Power from Time to Time to make such Call or Calls upon the several Subscribers to and Proprietors of the said Undertaking, or their respective Executors, Administrators, Successors, or Assigns, for the Amount of the Subscriptions for their respective Shares, by Instalments, as the said Company shall deem requisite or necessary for the Purposes of the said Undertaking, not exceeding Twenty Pounds *per Centum* upon each Share at any One Call; and every Order for a Call shall be signed by Three at least of the Directors of the said Company; and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company for the Time being at such Time and Place as shall be appointed by the said Directors, of which Time and Place Twenty-one Days Notice shall be given, by Advertisement published in One or more Newspaper or Newspapers published in the Eastern Division of the said County of Kent.

XLVII. And

XLVII. And be it further enacted, That the several Persons who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance, any Money for and towards the said Undertaking, and who shall at any Time or Times hereafter have or hold any Share or Shares in the Capital or Joint Stock of the said Company, or shall be a Proprietor or Proprietors of the said Undertaking, shall, and he, she, and they is and are hereby respectively required to pay the Sum or Sums of Money respectively subscribed and to be subscribed for, and in such Parts, Shares, and Proportions, and at such Times and Places, as shall from Time to Time be called for and directed by the Directors of the said Company pursuant to the Powers and Directions of this Act; and in case any Person or Corporation shall neglect or refuse to pay any such Sum at such Time or Times and in such Manner as shall be so called for and directed by the said Company, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise in any of Her Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from the appointed Time or Times of Payment, together with full Costs of Suit, from such Person or Persons respectively, and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for or be jointly possessed of One or more such Share or Shares, then in like Manner to sue for and recover the same, with full Costs of Suit as aforesaid, from all or any of such joint Subscribers or Proprietors.

For enforcing
Payment of
Subscrip-
tions.

XLVIII. And be it further enacted, That if any Subscriber, Person, Corporation, or Proprietor of any Share or Shares in the said Undertaking, his or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his or their Part or Portion of the Money to be called for by the said Directors as aforesaid by the Time appointed for Payment thereof, or within Twenty-one Days then next after, then and in such Case such Person or Corporation so neglecting or refusing shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit all his, her, or their Part, Share, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined at some Meeting of the said Company; and all Shares which shall and may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the Company; but no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid until after Twenty-one Days Notice shall have been given by the Clerk of the said Company to the Owner or Owners thereof by Notice in Writing left at his, her, or their usual or last Place of Abode, or by Letter sent by the Post.

In default of
Payment the
Shares to be
forfeited and
sold.

Notice of
Forfeiture.

XLIX. Provided always, and be it further enacted, That in case the Money produced by Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal

Surplus Pro-
duce of Sales
to be paid to
the Owner.

[*Local.*]

29 P

Interest

Interest thereon, and the Expences attending such Sale, the Surplus of such Money shall be paid, on Demand, to the Person or Corporation to whom such Share or Shares shall have belonged: Provided also, that the said Company shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all and every of such Call or Calls, and the Interest and Expences as aforesaid, the Share or Shares which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic or Corporate, to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares may
be trans-
ferred.

L. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, to sell and transfer any Share or Shares of which they shall respectively be possessed; and every such Transfer shall be in Writing, duly stamped, and shall or may be in the Form or to the Effect following; (that is to say,)

Form of
Transfer.

‘ I [*or We*] of in consideration
‘ of paid to me [*or us*] by
‘ of do hereby transfer to the said
‘ Share [*or Shares, as the Case may be,*] in the *Deal* Waterworks
‘ Company, Number [*or Numbers*]] in the said
‘ Undertaking, to hold to the said Executors,
‘ Administrators, Successors, and Assigns, subject to the same Rules,
‘ Orders, and Restrictions, and on the same Conditions, as I [*or we*]
‘ held the same Share [*or Shares*] immediately before Execution
‘ hereof; and I [*or we*] the said do hereby agree
‘ to take and accept the said Share [*or Shares*] subject to the said
‘ Rules, Orders, Restrictions, and Conditions. As witness
‘ Hand and Seal this Day of in the Year
‘ of our Lord .’

Transfers to
be registered.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person so requiring such Transfer to such Clerk, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the said Company no Purchaser or Purchasers of any Share, his, her, or their Executors, Administrators, Successors, or Assigns, shall be deemed a Proprietor or have any of the Profit of the said Undertaking, or in the Profits or Advantages thereof, nor shall receive any Interests or Dividends for or in respect of such Share or Shares so purchased, nor be entitled

to any Vote at any Meeting or Meetings as a Member of the said Undertaking, in respect of such Share or Shares, until after such Transfer shall have been registered.

LI. Provided always, and be it further enacted, That after any Call for Money shall have been made by virtue of this Act no Person or Corporation shall sell or transfer any Share in the said Undertaking after the Day appointed for Payment of the said Call until the Money so called for in respect of the Share intended to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer of any Share shall be void; and all and every Person or Corporation making default herein shall be subject and liable to forfeit such his Share in the said Undertaking to and for the general Benefit of the said Company, unless he, she, or they shall at the Time of such Sale or Transfer pay to the Treasurer of the said Company the full Sum of Money called for upon every Share so to be sold or transferred, such Forfeiture nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls thereon as aforesaid.

No Share to be transferred till the Money called for is paid.

LII. And whereas in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, go out of the Kingdom, or shall transfer his Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to know who is the Owner or Proprietor of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from any Subscriber or Proprietor thereof to any other Person by any other legal Means than by a Transfer or Conveyance thereof in the Manner and Form herein-before specified, a Declaration in the Form prescribed by the said Act of the Fifth and Sixth Years of King *William* the Fourth shall be made before a Master Extraordinary in Her Majesty's High Court of Chancery, or One of Her Majesty's Justices of the Peace for the said Borough of *Deal* or for the Liberties of the Cinque Ports or for the County of *Kent*, stating the Manner in which such Share hath passed to such Person or Corporation, his or their Executors, Administrators, Successors, or Assigns; and such Declaration shall be delivered to the Clerk of the said Company, to the Intent that he may enter and register the Name of every such other Proprietor in the Register Book or List of Subscribers and Proprietors in the said Undertaking, to be kept in the Office of the Clerk to the said Company.

For ascertaining the Proprietorship of Shares.

LIII. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Wells, Reservoirs, and Aqueducts, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful for the said Company to raise

Power to raise a further Sum, if necessary, by new Shares not exceeding 2,300*l.*

and

and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise, by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Two thousand three hundred Pounds; and every Corporation or other Person, being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote in respect of the said additional Sum to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Undertaking, in proportion to the Sum they or he shall or may subscribe thereunto, and shall have the same Power, and shall be subject to the same Liabilities as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Seven thousand Pounds; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Power to
raise the said
Sum of
2,300l. by
Mortgage.

LIV. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising the said additional Sum of Two thousand three hundred Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall and may be lawful to and for the said Company, after the Whole of the said Sum of Seven thousand Pounds shall have been subscribed, and Half thereof paid up, to borrow and take up at Interest all or any Part of the said Sum of Two thousand three hundred Pounds by Mortgage of the said Undertaking, to be payable out of the Rents and Profits of the said Company, as the said Company shall think proper; and the said Company are hereby authorized and empowered, under their Common Seal, to grant or assign the said Rents and Profits thereof as a Security for any Sum or Sums of Money so to be borrowed, with Interest for the same, as to them shall seem meet; provided that no Sum be borrowed or taken up upon Mortgage as aforesaid without a previous Resolution authorizing the same to be so raised shall be entered into and passed at some General or Special Meeting of the said Company; and every such Grant or Assignment so to be given as a Security for any such Sum or Sums of Money so to be borrowed by way of Mortgage shall and may be made in the Words following, or in any other Words to the like Effect; (that is to say,)

Form of
Mortgage.

‘ BY virtue of an Act passed in the Third Year of the Reign of
 ‘ Her Majesty Queen *Victoria* [*here set forth the Title of this*
 ‘ *Act*], we, the Company of Proprietors of the *Deal* Waterworks,
 ‘ incorporated under and by virtue of the said Act, in consideration
 ‘ of the Sum of _____ to us lent and advanced by *A. B.*
 ‘ of _____ do assign unto the said *A. B.*, his [*or her*]
 ‘ Executors, Administrators, and Assigns, the said Waterworks, and
 ‘ all the Works thereunto belonging, and all and singular the Sums
 ‘ of Money arising and payable to us for Water by virtue of the said
 ‘ Act, and all our Right, Title, and Interest of, in, and to the same,
 ‘ to hold unto the said *A. B.*, his Successors, Executors, Administra-
 ‘ tors, and Assigns, until the said Sum of _____
 ‘ with Interest for the same after the Rate of _____ *per Cent. per*
 ‘ *Annum,*

‘ *Annum*, shall be fully paid and satisfied. Given under our Common
 ‘ Seal this Day of in the Year of our
 ‘ Lord .’

And all Persons and Corporations to whom such Assignments shall be made shall be equally entitled to the respective Portions of the Profits and Advantages in the said Undertaking, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment of such respective Sums, with the Interest, without any Preference by reason of Priority of any Assignment, or any other Account whatsoever: Provided always, that whenever the said Company shall be desirous of paying off any Part of the Debt so to be secured on Mortgage as aforesaid, it shall and may be lawful for the said Company, or their Directors, to pay unto each and every of the Creditors, at an equal Rate *per Centum*, according to the Amount of their respective Share or Shares, or to select by Ballot the Security or Securities so to be paid off.

Proviso as to paying off any of the Mortgages.

LV. And be it further enacted, That a Transcript or Copy of every such Mortgage Assignment, or an Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money paid, shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company, which Book or Books shall be perused at all seasonable Times by any of the Proprietors of the said Undertaking, without Fee or Reward.

Register of Mortgages.

LVI. And be it further enacted, That all Persons and Corporations respectively to whom any such Mortgage Assignment shall be made as aforesaid may from Time to Time transfer such Mortgage Assignment to any Persons and Corporations, and *toties quoties*; and the Transfer shall and may be made by Indorsement on such Mortgage Assignment duly stamped, in which the Consideration for such Transfer shall be stated, and shall be in the Words to the Effect following; (that is to say,)

Transfer of Mortgages.

‘ I *A.B.*, [*or We C. and D.*] in consideration of the Sum of
 ‘ paid by *E.F.* of do hereby transfer the within
 ‘ Security, and all my [*or our*] Right, Title, and Interest in and to
 ‘ the same, unto the said *E.F.* Successors, Administrators,
 ‘ and Assigns. Witness my Hand and Seal [*or our Hands and Seals*
 ‘ *or our Common Seal*] this Day of in the
 ‘ Year of our Lord .’

Form of Transfer of Mortgages.

And every such Transfer shall, within Thirty Days next after the Date thereof, be produced and left with the Clerk to the said Company, who shall, within Ten Days then next following, cause an Entry or Memorial to be made thereof, in like Manner as of the original Mortgage Assignment; and after such Entry made, but not till then, every Person and Corporation to whom such Transfer shall be made, his, her, or their Successors, Executors, Administrators, and Assigns, shall be entitled to the Benefit of such Mortgage Assignment and the future Payments thereon, and to all Benefit and Advantage arising therefrom; and for the Entry of every such original Mortgage Assignment and of every such Transfer the said

Transfers to be made by the Clerk.

Clerk shall be paid by the Party to whom such Mortgage or Transfer shall be made the Sum of Two Shillings and Sixpence and no more.

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.

LVII. And be it further enacted, That the said Directors shall and they are hereby required in each and every Year to cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this Act for the Year ending on the Thirtieth Day of *June*, or some other convenient Day, in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Kent* on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Directors shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Accounts as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

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

LVIII. And be it further enacted, That such of the Inhabitants of the Town and Borough of *Deal*, and the several Parishes of *Deal* otherwise *Saint Leonard Deal* and *Saint Mary Walmer*, as shall be desirous of having Water from the Waterworks of the said Company conveyed, by Service Pipes or otherwise, into their Houses, Buildings, or other Premises, may and are hereby authorized and empowered at their own Expence, (having given Six Days previous Notice in Writing of his, her, or their Intention so to do to the said Company, and with the Consent of the Owners or Occupiers of any Premises through which any such Pipes shall be conveyed,) to open the Ground between the Main Pipes or Branch Pipes of the said Company and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay any Leaden or other Service Pipe or Pipes (the Bore thereof to be of the Dimensions of Three Quarters of an Inch, and weighing Three Pounds and a Half *per* Foot, without the Consent of the said Company, or of a greater Bore with the Consent of the said Company,) from such respective Houses, Buildings, or other Premises, to communicate with the said Main Pipes or Branch Pipes, such respective Inhabitants paying to the said Company a Rate or Rent at and after the Rate of Seven Pounds Ten Shillings *per Cent. per Annum* upon and according to the actual Amount of the Rent of such Houses, Buildings, or other Premises, or according to the actual Amount of the Rent of such Houses, Buildings, or other Premises, or according to the actual Amount or annual Value upon which the Assessment to the Poor Rate is computed in the Parish where such Houses, Buildings, or other Premises are situated, at the Discretion of the Directors of the said Company for the Time being: Provided always, that in case of Manufacturers, Distillers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Livery Stable Keepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or her own Family Consumption, or in case of Persons requiring a Supply of Water for Hotels, Schools, Boarding Houses, public Chambers, Subscription Houses, Baths, Fountains,

Fountains, Ponds, Pools, or Stables, or for washing Carriages, or for Cows or Horses, or for the Purpose of any Trade or Business whatsoever, such extra Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled by and between the Directors for the Time being of the said Company and such Persons respectively.

LIX. And be it further enacted, That no such Inhabitant shall lay or put any Pipe to communicate with the Main Pipes or Branch Pipes of the said Company except under the Superintendence and Control of some Surveyor or other Officer or Person to be appointed by the said Company for the Purpose, unless no such Surveyor, Officer, or Person shall attend after Notice served on the said Company at least Six Days previously, such Notice specifying the particular Day and Hour when such Pipe is intended to be laid or put or made to communicate as aforesaid with the Pipes of the said Company: Provided also, that all and every Person or Persons who shall have laid any Leaden or other Service Pipe or Pipes as aforesaid shall be at liberty to remove and take away such Pipe and Pipes, and the Cock or Cocks belonging thereto, under the Superintendence of some Surveyor, Officer, or Person, after having first given at least Six Days previous Notice in Writing to the said Company of his, her, or their Intentions so to do, and of the Time of the doing thereof, in like Manner as herein-before required for laying the same, unless such Surveyor, Officer, or Person shall not attend accordingly, and doing no Injury or Damage to the Pipes of the said Company; and all such Inhabitants so breaking up or removing the Soil or Pavement in any of the Cases aforesaid shall forthwith make good the same, on pain of forfeiting for every Day's Neglect the Sum of Ten Shillings, to be recovered as other Penalties may be recovered by virtue of this Act; and every such Inhabitant neglecting to make good the same shall also be liable to pay and shall pay any Expences which may be incurred by the said Company or any other Person or Persons in making good the same, in addition to such daily Penalty.

Pipes not to be so laid without Notice.

LX. And be it further enacted, That it shall and may be lawful to and for the said Company to supply Water to and for the Use of the Naval Hospital in *Walmer* aforesaid, and the Castle of *Deal*, the Barracks at *Walmer* aforesaid, and the Inmates thereof respectively, or any other Castle, Fort, Hospital, Barracks, public Building, or Establishment whatsoever which may be from Time to Time erected or used by or for any Department of Her Majesty's Service, or the Inmates thereof respectively, upon such Terms and for such Rents or Sums of Money as shall be agreed upon between the said Company and the several Departments or Officers competent to contract in this Behalf, and such several Departments and Officers respectively shall have the like Rights and Privileges as any Tenants or Water Renters of the said Company.

The Company may supply the Hospital, Barracks, &c.

LXI. And be it further enacted, That it shall and may be lawful to and for the said Company to supply and distribute Water for the Use of the Ships and Vessels of Her Majesty Navy and other Shipping lying in the Downs or in the Roads near the Borough of *Deal*,

The Company may supply Shipping.

in

in case the said Company can grant such Supply without lessening the Supply to other Tenants of the said Company for the Time being, and the said Company are hereby authorized to demand and receive such a Sum as shall be fixed and agreed upon betwixt them and the Persons who shall apply for and obtain such Supply, which Sum so to be raised shall form Part of the Fund, and be applied to the Purposes of this Act.

Power of
Company to
reduce Rates.

LXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to lower and reduce the Rates or Rents by this Act authorized to be taken, and afterwards from Time to Time again to advance and raise the said Rates or Rents which shall have been so lowered and reduced if Circumstances render it necessary so to do: Provided always, that the said Rates or Rents shall not in any Case be advanced or raised so as to exceed at the utmost, in any One Quarter of a Year, the several and respective Rates or Rent by this Act authorized to be taken: Provided also, that the said Rates or Rents shall not be lowered or reduced whilst any Principal Sum borrowed under the Powers of this Act in relation to the Waterworks shall remain unpaid.

In case of
deficient
Supply Pro-
prietors to
have the Pre-
ference.

LXIII. Provided always, and be it further enacted, That if it shall happen that the said Company shall at any Time or Times receive Notice from any Inhabitants of the said Town and Borough of *Deal*, or of any Part of the Neighbourhood within the said several Parishes of *Deal* otherwise *Saint Leonard Deal* and *Saint Mary Walmer*, of their Intention to lay Leaden or Service Pipe or Pipes to communicate with the said Main Pipes or Branch Pipes of the said Company for the Purposes of being supplied with Water from the Waterworks of the said Company, and the Company shall not then be able to grant such Supply to all such Inhabitants from whom Notice shall be so received without lessening the Supply to the other Tenants of the said Company, then such of the Inhabitants from whom such Notice shall be so received as shall be Proprietors of any Share or Shares of and in the Capital of the said Company shall be first supplied with Water.

Rents to be
chargeable
on Owners
and Occu-
piers.

LXIV. And be it further enacted, That the Rate or Rates, Rent or Rents, so agreed to be paid as aforesaid, shall be charged on the Owner or Owners, Occupier or Occupiers as aforesaid, until Notice in Writing be given by him, her, or them to the Clerk of the said Company of the Intention of such Owner or Owners, or Occupier or Occupiers, to discontinue to take, receive, or use such Water, such Notice to expire on some usual Quarter Day: Provided always, that in all Cases where any Owner or Occupier shall remove from or quit Possession of any House, Building, Land, Ground, or other Hereditaments in respect whereof he, she, or they shall have agreed to pay for Water supplied by the said Company by virtue of this Act, such Owner or Occupier shall be liable to pay for the same down to the next Quarter Day after such Removal only.

Rents to be
payable in
advance.

LXV. And be it further enacted, That the Proportion of the Quarter's Water Rates or Rents payable to the said Company by
virtue

virtue of this Act from the Period at which the said Company shall contract with any Person or Persons for the Supply of Water, under the Powers herein contained, until the next of the Quarter Days herein-after mentioned, (that is to say,) the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, shall be paid in advance, at which he shall so contract; and the full Water Rate or Rent for each Quarter shall from thenceforward become due and payable in advance on the said Days as they respectively occur and happen.

LXVI. And be it further enacted, That it shall be lawful for the said Company to lease the Rates or Rents of the said Water, in whole or in part, from Time to Time, in such Manner as shall be thought fit by the said Directors, for any Term not exceeding Three Years, subject to the Performance of such Covenants as the said Directors shall think fit, and for the best Rent that can be obtained for the same, to such Person as shall give sufficient Security for the Performance of such Covenants and for the sure Payment of such Rents, to be approved of by the said Directors.

Power to
lease the
Rents.

LXVII. And be it further enacted, That in case of Default in Payment of any Rate or Rent or Sum of Money at any Time or Times due or payable to the said Company under or by virtue of this Act, it shall and may be lawful for the said Company to cause any Service Pipe used for supplying with Water the Person making such Default, and communicating with the Main Pipes or Aqueducts belonging to the said Company, to be separated from the said Main Pipes or Aqueducts, and to cause the Water to be stopped from issuing or running into the Houses, Buildings, and other Premises of every Person making such Default; and the Rate, Rent, or Sum of Money which shall be due and in arrear from such Person to the said Company, and every Part thereof, in case the Amount due shall be less than Twenty Pounds, shall be recoverable and may be recovered by the said Company, together with the Costs and Expences of removing such Pipes and stopping such Water, and of making the Distress, by Distress and Sale of any Goods or Chattels whatsoever found upon the Premises so supplied with Water, in such and the same Manner as Rent reserved on Leases for Years of the same Premises would be by Law recoverable, or (in case the Amount due shall amount to or exceed Twenty Pounds) then the same, with Costs of Suit, may be recovered in any of Her Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case.

Remedy
for Rents
in arrear.

LXVIII. And be it further enacted, That in case the said Company shall refuse or neglect to supply any of the said Inhabitants occupying any private Dwelling House in any Square, Street, Close, or Lane, where the Pipes of the said Company shall be laid, with Water for the Use of his or her own Family, at the Rate or Rent aforesaid, for the Space of Five Days, (after Demand in Writing shall have been made by such Inhabitant to the Clerk or Engineer of the said Company for the Time being for such Supply of Water, and Tender made to such Clerk or Engineer of the Amount of the Rate

Penalties for
not supplying
Water to
Inhabitants.

or Rent so payable immediately in advance for such Supply,) the said Company shall forfeit and pay to such Inhabitant Treble the Amount of the Rate or Rent so tendered, in case the said Company, at the Time of such Demand and Tender being made, can grant such Supply of Water, (without lessening the Supply to the other Tenants of the said Company, but not otherwise,) to be levied and recovered, together with such Costs and Charges as shall be awarded and allowed, by virtue of a Warrant under the Hands and Seals of any Two of Her Majesty's Justices of the Peace acting for the Borough, County, Liberty, or Place where such Default shall happen, by Distress and Sale of the Goods and Chattels of the said Company, and also the further Sum of Forty Shillings for every Day after the Decision so made by such Justices that the said Company shall continue to neglect or refuse such Supply, to be recovered as the above-mentioned Penalty is herein-before directed to be recovered.

Penalty on
Persons sup-
plying Water
to others not
agreeing with
the Com-
pany.

LXIX. And be it further enacted, That if any Person supplied with Water by virtue or under the Powers and Provisions of this Act shall supply any other Person who shall not have agreed with the said Company to be supplied with Water, or shall not be entitled to be supplied with or take Water under the Provisions of this Act, or shall wilfully permit or suffer any other Person not having so agreed to be supplied to take any Water, or if any Person not having so agreed to be supplied shall take or use any Water at or from any Reservoir, or any Pipes leading thereto, or any Main Pipe or Branch Pipe or Service Pipe, or any Cock affixed or to be affixed to any Reservoir, Aqueduct, or Pipe made, laid, or used for the Purposes of this Act, or from any Cistern or other Receptacle for Water as aforesaid, or if any Person shall, by negligently suffering his, her, or their Service Pipes, or Cisterns or other Receptacles for Water, or the Cocks belonging thereto, to be out of Repair, occasion the Water thereby supplied to run waste or useless, then and in every such Case every Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of any Justice of the Peace before whom any Penalty may be recovered as herein-after provided.

Exception for
Cases of Fire,
&c.

LXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Persons whomsoever supplied with Water by virtue of this Act to a Penalty or Forfeiture for supplying any Person whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Cock belonging to any Person supplied with Water by virtue of this Act shall or may happen to be out of repair, and before a sufficient Time has elapsed to put the same in repair.

Power to
Company to
enter Pre-
mises to see
that there is
no Waste of
Water.

LXXI. And be it further enacted, That it shall and may be lawful to and for the Engineer or any other Person acting by or under the Authority of the said Company or of their Directors, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, upon giving Twelve Hours previous Notice of their Intention, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act in order to inspect and
examine

examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company; and if such Engineer or other Person acting by or under the Authority of the said Company, or their Directors, 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, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company to cut and turn off the Water supplied by the said Company from such House, Building, or other Premises.

LXXII. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons whomsoever at all Times to use and employ the Water which shall so as aforesaid be contained in or supplied from any Pipes or Aqueducts of the said Company in the extinguishing of any Fire which may happen to any House or Building, Goods or other Property, within the said Town and Borough of *Deal*, or the Parishes herein-before described, without making any Satisfaction or Compensation for the same to the said Company.

Water to be used in Case of Fire.

LXXIII. And be it further enacted, That the said Company shall and they are hereby required to keep, maintain, and lay down in the several Streets, Lanes, Courts, Passages, and Places within the Town and Borough of *Deal* and the said Parishes of *Deal* and *Saint Mary Walmer*, as far as the Pipes of the said Company shall extend, a sufficient Number of Fire-plugs for the Supply of Water in case of Fire; and when and as soon as any such Fire-plug shall be finished the said Company shall deliver a Key of such Fire-plug to the Surveyor of the Pavement or the Town Serjeant for the Time being of the said Town and Borough of *Deal*, and to the Constable or Constables of the Limit within which such Fire-plug is placed, in order that the same may be more effectually obtained in case of Fire, and shall from Time to Time keep such Fire-plugs in good and sufficient Repair, Order, and Condition.

The Company to fix Fire Plugs.

LXXIV. And be it further enacted, That if any Person shall bathe in the Reservoir, Aqueduct, Waterway, Feeder, or Pond, being the Property of the said Company, made, maintained, or supported by virtue of this Act, or wash any Sheep or other Animal therein, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Matter or Thing therein, or wash or cleanse any Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animals, or cause or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any such Reservoir, Aqueduct, Waterway, Feeder, Pipe, or Pool, or into any of the Brooks, Streams, or Springs communicating therewith, or cause any other Annoyance, Nuisance, or Injury to be done to the Water contained in any such Reservoir, Aqueduct, Waterway, Brook, Stream, Spring, Feeder, Pipe, or Pond whereby or by means whereof the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such Case every such Person so offending shall forfeit and pay to the said

Penalty for fouling the Water.

said Company for every such Offence any Sum not exceeding Ten Pounds.

Penalty for
damaging the
Waterworks.

LXXV. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish in any Part of the said Waterworks, Reservoirs, Aqueducts, Trenches, Watercourses, or Feeders to be made by virtue of this Act, or shall open or cause to be opened any Lock, Cock, Gate, Paddle, Valve, Plug, or Clough belonging to the said Waterworks, or otherwise injure the same, or if any Person shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Parts of the said Waterworks, or shall leave any of the said Valves, Cloughs, Locks, Pipes, or Cocks open or running belonging to the same, or shall cause to be drawn any Paddle, Valve, or Clough or other Thing, so as to mispend or waste the Water thereof, its Courses or Feeders, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall take or cause to be taken (except in Cases of Fire) any Water from or out of any Pipe which shall be laid by virtue of this Act, (without the Consent of the said Company first had and obtained,) every Person so offending in any of the Cases aforesaid shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Five Pounds.

Penalty for
destroying
Works.

LXXVI. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously break, throw down, damage, or destroy any Banks, Fences, Reservoirs, Pipes, or other Works to be erected, made, or maintained by virtue of this Act, then and in every such Case every such Person shall be adjudged guilty of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to award such Sentence as the Law directs in Cases of simple Larceny.

The Com-
pany to
reinstate
Pavements,
&c. after
Pipes have
been laid
down.

LXXVII. And be it further enacted, That when and so often as the said Company shall intend, under the Provisions of this Act, to open, break up, or remove the Stones, Ground, Soil, or Pavement in or of any Road, Highway, Foot Pavement, Wharf, Quay, Street, Square, or other public Place, the said Company, or their Clerk or Engineer, shall give Twenty-four Hours previous Notice (or in case of the bursting of Pipes, or other sudden Damage or Emergency, Three Hours previous Notice) in Writing of such Intention, such Notice specifying the Day and Time when such Work is intended to be commenced and done, to be given to the Commissioners acting under any Act of Parliament or their Clerk, or the Trustees of any Turnpike Road or their Clerk, or the Surveyor of the Highways, not being a Turnpike Road, who shall have the Care or Management of such Street, Road, Highway, or other public Place respectively, or to be left at the Office of such Commissioners or Trustees, or at the Office or Place of Abode of such Clerk or Surveyor respectively; and such Stones, Ground, Soil, or Pavement shall be opened, broken up, and removed respectively, and also reinstated and made good, under the Superintendence of such Commissioners or Trustees, or their respective Surveyor or other Officer, or of the Surveyor of the Highways,

ways, as the Case may be, unless such Surveyor or other Officer shall neglect to attend and superintend the Work; and moreover, that whenever and so often as the said Company or any other Person shall have opened, broken up, or removed, pursuant to the Provisions of this Act, the Stones, Ground, Soil, or Pavement in or of any Road, Highway, Foot Pavement, Wharf, Quay, Street, Square, or other such public Place, or any Part thereof, the said Company and such other Person shall and are hereby required immediately to reinstate and make good, under such Superintendence as aforesaid, such Ground, Soil, Carriage or Foot Pavement, in as good sound State and Condition, and with the like Materials, in all respects, as the same was or were in at the Time of being so opened, broken up, or removed; and the said Company or such other Person shall cause all surplus Earth, Filth, and Rubbish occasioned by opening the Ground to be removed and carried away, at their own Costs and Charges, with as little Delay, Detriment, or Danger as possible, and so that in no such Case such Ground shall remain open unrepaired, or the Rubbish unremoved for a longer Space than Twenty-four Hours from the Time when such Works commence, unless the Commissioners acting under any Act of Parliament, or the Trustees of any Turnpike Road, or the Surveyors of any of the Highways not being Turnpike Roads, who shall have the Care or Management of such Streets or Highways respectively (as the Case may be), shall grant further Time for doing the same; and during the Time the Works of the said Company in so opening the Pavements shall be carried on there shall at all Times be left a free Passage for Carriages of at least Twenty Feet wide, unless the Carriageway shall be less than Twenty Feet wide, in which Case the Opening so made shall be filled up and the Streets repaired in the Space of Forty-eight Hours after the Commencement of the Works thereon, unless the said Commissioners, Trustees, or Surveyors respectively shall grant further Time for doing the same; and that during the Time of forming the Trenches, laying or taking up the Pipes, or doing any thing else by which Obstructions may be occasioned in the Streets, Lanes, Passages, or other Places, the said Company or such other Person shall protect such Opening and Obstruction with a sufficient Fence, and provide proper Watchmen to guard the same, and place a Lamp or Lamps at each Extremity, and at other Parts of the Opening or Obstruction where it may be necessary to be kept burning, from Sun-setting to Sun-rising, and shall otherwise properly secure and guard the said Works, to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and the said Company, or such other Person or Persons, shall from Time to Time, when required by the said Commissioners, Trustees, or Surveyors as aforesaid, at any and every Period during Three Calendar Months from the Time of making or commencing any such Opening, on receiving from Time to Time a written Notice from the said Commissioners, Trustees, or Surveyors, or their respective Clerks, or any Person authorized by them, (as the Case may be,) relay and again take up and relay such Carriageway or Foot Pavement until the said Carriageways and Foot Pavements shall be made complete to the Satisfaction of the said Commissioners, Trustees, or Surveyors (as the Case may be): Provided always, that

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if the said Company, or any of their Agents and Workmen, or such other Person or Persons, shall neglect to reinstate such Ground, Soil, or Pavement, which may be so broken up with the like Materials, and in as good sound State and Condition as aforesaid, or to remove the Rubbish occasioned as aforesaid, within the Period of Twenty-four Hours as aforesaid (unless the said Commissioners, Trustees, or Surveyors respectively shall grant further Time for doing the same), or shall omit to leave a free Passage for Carriages as before mentioned, or to protect such Openings with a Fence, or to provide Watchmen and Lamps as aforesaid, then and in each and every such Case of Neglect or Omission the said Company or such other Person shall forfeit and pay any Sum not exceeding Five Pounds, over and besides the Expence of putting such Grounds in repair as aforesaid, to be recovered on the Complaint of any such Owner or Occupier of the aforesaid Grounds, or of any such Commissioners or Trustees or Surveyors as aforesaid, from the said Company or such other Person, in like Manner as other Penalties and Forfeitures are by this Act to be recovered, and to be paid over to the Treasurer for the Time being of such Commissioners or Trustees or to such Surveyors, (as the Case may be,) to be applied for the Purpose of their respective Commission, Trust, or Office; and in case the said Company or such other Person shall make default in reinstating such Ground, Soil, or Pavement as aforesaid within the Period aforesaid, it shall be lawful for the said Commissioners, Trustees, or Surveyors to reinstate and make good such Ground, Soil, or Pavement, and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or their Treasurer, or such other Person, to the said Commissioners or Trustees, or their respective Treasurers, or to the said Surveyors (as the Case may be); and in default of Payment thereof within Ten Days next after Demand thereof in Writing shall have been made by the Clerk of the said Commissioners or Trustees, or of the said Surveyors, (as the Case may be,) Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the Borough, County, Liberty, or Place where such shall occur, all such Sum or Sums of Money so paid by them shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company or such other Person, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices respectively is and are hereby empowered to grant; and such Sum or Sums of Money shall be paid to the said Commissioners or Trustees, or their respective Treasurer, or to such respective Surveyor (as the Case may be).

For prevent-
ing Injury
being done
to Turnpike
Road.

LXXVIII. Provided also, and be it further enacted, That whenever it shall be found necessary by the said Company, their Agents or Workmen, to lay down any Pipe in, upon, or under any Part of the Turnpike Road leading from *Dover*, through *Deal*, to *Sandwich*, 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

able Hindrance or Obstruction shall make a Deviation necessary, and excepting also such Cases where it may be necessary to lay such Pipes across the said Road for the Purpose of changing the Side of the said Road on which such Pipes shall be laid down, and except also where the Trustees after referred to, or their Surveyor, shall permit a Deviation or Alteration in the Course of such Pipes; and in case such Pipes shall be laid down otherwise than as aforesaid, or in case Water shall escape from such Pipes by the breaking, bursting, or decaying thereof, the Surveyor to the Trustees appointed or to be appointed for executing any Act or Acts of Parliament for the Repair of such Road shall give Notice in Writing to the said Company, their Treasurer or Clerk, to take up and remove or repair the same; and in case they shall neglect or refuse for the Space of Forty-eight Hours after such Notice to take up and remove or repair such Pipes, then and in such Case the said Company 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 the Expiration of the said Period upon subsequent Notice in Writing to that Effect to be given as aforesaid, until the same shall be taken up and removed; and whenever it shall be found necessary by such Company, their Agents or Workmen, to open the Ground in or under any Part of the said Road 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 Road within the Space of Four Days respectively, and the Ground filled and rammed in and the Road made good; and in case the said Company, their Agents or Workmen, shall neglect or refuse, for the Space of Forty-eight 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 is hereby empowered to cause the same to be done, and the Expence thereof shall be paid by the said Company to the said Trustees or their Treasurer for the Time being; and whenever it shall happen that by the bursting, breaking, or running of any such Pipes or Plugs the Water shall overflow any Part of the said Road, so as to occasion any Damage or Inconvenience to Passengers, Cattle, or Carriages, or Injury to the Road, then and in such Case the said Company, their Agent or Agents, shall, after Twelve Hours Notice thereof in Writing given to the Clerk or Treasurer of the said Company, neglect to do what shall be necessary to remedy the Danger and Inconvenience arising therefrom, it shall be lawful for the Surveyor of the said Road to do what shall be requisite to drain off the Water, and to prevent any Danger or Inconvenience therefrom in future, the Expence whereof shall be reimbursed to such Surveyor by the said Company; which respective Forfeitures and Sums shall and may from Time to Time be recovered of and from the Treasurer or Clerk to the said Company 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 or their Treasurer for the Time being, and shall be applied for and towards amending the said Road.

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 Borough, 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, Contractor, or Person as aforesaid.

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

LXXXIII. And be it further enacted, That if any Corporation, Contractor, or Person whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough of *Deal* and Parishes within the Limit 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 Liquids, Substances, or Things whatsoever which shall arise or be produced in or by the said Gas Works, or in the Manufacture or Process of making and 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, Contractor, or Person shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and the whole of such Penalty shall 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 or Pond, Springhead or Well, 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, Contractor, 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 Substances or Things from being drained, conducted, or conveyed,

or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Body Politic or Corporate, Contractor, or Person so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washing, 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 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 done or committed.

LXXXIV. And be it further enacted, That whenever the Water of the said Company shall be contaminated or affected by Gas of any Corporation, Contractor, or Person making, furnishing, or supplying Gas as aforesaid, any such Corporation, Contractor, 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, that then and in every such Case the Corporation, Contractor, or Person making, furnishing, or supplying such Gas shall, within Twenty-four Hours after Notice thereof in Writing signed by the Clerk for the Time being of the said Company, to be left at the usual Office or Place of transacting Business of the Corporation, Contractor, 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, Contractor, 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, that then and in every such Case the said Body, Corporation, Contractor, 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 Company so affected, over and above the before-mentioned Penalty not exceeding Twenty Pounds, the Sum of Twenty Shillings for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty 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 Company,
before

To prevent
the Escape of
Gas and Con-
tamination of
Water.

before any Justice of the Peace for the Borough, 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 Company.

For ascer-
taining if the
Water is con-
taminated.

LXXXV. And whereas it may become a Question, upon such Complaint as aforesaid, whether such Water be contaminated or affected by the Gas of any Person or Corporation; be it therefore enacted, That in every such Case it shall be lawful for the said Company, 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 the said Corporation or Person as aforesaid; and if it appear that such Contamination is occasioned by such Gas the Costs and Expences of such Examination, and of the Repair of the Pavement or Road which shall be taken up or disturbed, shall be borne and paid by the said Corporation or Person, (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 Company, 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 have been occasioned to the Works of the said Corporation or Person in and by such Examination, and 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.

Notices, &c.
how to be
served on the
Company.

LXXXVI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve any Notice or Writ, or other legal Proceeding or Proceedings in Equity, upon the said Company, the Service thereof upon any One of the Directors to be appointed in pursuance of this Act, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at the last or usual Place of Abode of the said Clerk or any Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

In Cases of
Nonpayment
of Compensation
for
Damage the

LXXXVII. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace by virtue of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any

any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any other Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order of such Justice or Justices, and in which Demand the Order of such Justice or Justices 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 the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of 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 and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

same may be levied by Distress.

LXXXVIII. And be it further enacted, That in every Case where 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 Difference or Dispute respecting the same, shall be settled and determined by any Justice or Justices of the Peace for the Borough, County, Liberty, or Place wherein such Damages shall be incurred or the Cause of Charge shall arise; and where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence; and on Nonpayment of such respective Damages and Charges, such Damages and Charges may be levied, by Warrant of such Justice or Justices, by Distress and Sale of the Offender's Goods and Chattels, and otherwise, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Justices.

LXXXIX. And be it further enacted, That in all Cases in which by this Act any Penalty is made recoverable by Information before any Justice of the Peace it shall be lawful for any Justice of the

Justices may proceed by Summons in the Recovery of Penalties.

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Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, 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 to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

How Penalties, Forfeitures, and Fines are to be recovered and applied.

XC. And be it further enacted, That all Fines, Penalties, and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offender or Offenders is not particularly mentioned or directed, shall, in case of Nonpayment thereof, be adjudged by and be recovered before any Justice of the Peace for the Borough, County, Liberty, or Place wherein the the Offence shall arise, in a summary Way, together with all such Costs, Charges, and Expences as such Justice shall adjudge and determine to be fair, reasonable, and proper to be allowed (and which he is hereby authorized and empowered to ascertain accordingly); and any such Justice of the Peace is hereby authorized and empowered to convict the Offender upon Information by Oath of any Person or Persons, (which Oath such Justice is hereby authorized to administer,) or on the Confession of the Party offending; and in default of Payment of such Penalties or Forfeitures, and of such Costs, Charges, and Expences, they shall be levied by Distress and Sale of the Offender's Goods and Chattels, or of the Goods and Chattels of the said Company if they shall offend and be convicted as aforesaid of any Offence in this Act mentioned, by Warrant under the Hand and Seal of such Justice; and all Penalties and Forfeitures, when recovered, not herein otherwise directed to be applied, after rendering the Overplus, if any, on Demand, to the Party or Parties whose Goods shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted,) shall be paid one Moiety to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case such Penalties and Forfeitures, Costs, Charges, and Expences, shall not be forthwith paid, upon Conviction, by any Person offending and convicted, then it shall be lawful for such Justice to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before him on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, and which Security the said Justice is 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 can be had thereupon, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or otherwise, that such

Offender

be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

XCVII. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act if Tender of sufficient Amends shall have been made to him, or to his, her, or their Attorney, by or on the Behalf of the Defendant before such Action brought; and in case no such Tender shall be made it shall be lawful for the Defendant in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court any such Sum of Money as he shall think proper, whereupon such Proceedings, Order, and Judgment shall be had, made, and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover after Tender of sufficient Amends.

XCVIII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend to disqualify any Person from being or acting as a Commissioner under and by virtue of any Acts of Parliament passed or that may be passed for the better paving, cleansing, lighting, and watching the Town and Borough of *Deal*, or any other Parish or Place within the Limits of this Act or in anywise connected therewith, notwithstanding the Commissioners acting under and by virtue of such Acts or any of them shall enter into any Contract with the said Company or the Directors thereof for the Time being.

Shareholders may be Commissioners under the Pavement Act.

XCIX. And be it further enacted, That if the said Company shall not within the Space of Two Years, to be computed from the passing of this Act, agree for and cause to be valued and paid for, as hereinbefore mentioned, the Lands which they are by this Act authorized to take, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for such Purposes only shall cease, determine, and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

Limiting the Time for taking Land.

C. And be it further enacted, That in case the Works for supplying the said Town and Borough of *Deal* and the several Parishes within the Limits of this Act with Water shall not be completed so as to answer the Purposes of this Act within Seven Years from and after the passing of this Act, then and from thenceforth all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to so much and such Part thereof as shall have been completed within the said Space of Seven Years, or as to any Pipes which may be laid for supplying any Streets or Buildings which shall be made or erected within the Limits of this Act after the said Seven Years.

Powers of this Act limited to Seven Years.

CI. Provided always, and be it further enacted, That nothing in this Act contained shall apply to or in any Manner affect any Lands, Estates, or Property belonging to the Crown, without the Consent of

Reservation of the Rights of the Crown.

[Local.]

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3° & 4° VICTORIÆ, *Cap.* cxiii.

the Master General and principal Officers of Her Majesty's Ordnance
in Writing under their Hands first obtained.

Public Act.

CII. And be it further enacted, That this 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.

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