



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 103.

An Act to repeal so much of an Act passed in the Thirty-second Year of His present Majesty, as relates to the building a Gaol and House of Correction for the Town and County Borough of *Carmarthen*, and for watching and supplying the said Town with Water; and for granting further Powers for those and other Purposes relating thereto.

[10th July 1805.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act for building a new Gaol and House of Correction for the Town and County Borough of Carmarthen, and for supplying the said Town and County Borough and the Liberties thereof with Water; and for paving, watching, lighting, cleansing, and regulating the Streets, Lanes, Ways, Roads, and publick Passages, and for widening and making the same more commodious; and removing and preventing Nuisances, Annoyances, and Obstructions therein, and for other Purposes:* And whereas several of the Powers and Provisions in the said Act, have been found inconvenient, defective, and inadequate to the Purposes intended: And whereas soon after the passing of the said Act, the old Gaol of the said County Borough was taken down, and the Prisoners, with the Consent of the High Sheriff of the County of *Carmarthen*, were removed to and confined in the Gaol of

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the County; which since that Time has been used to confine the Prisoners of the said County Borough: And whereas the Ground mentioned in the said Act for the building of the new Gaol or House of Correction for the Town and County Borough of *Carmarthen*, has, since the passing of the said Act, been found inconvenient for that Purpose, and the new Gaol has not been built: And whereas it is therefore expedient that so much of the said Act as relates to the building of a Gaol and House of Correction for the Town and County of the Borough of *Carmarthen*, on the Piece of Ground in the said Act mentioned, called *The Old Bowling Green and Parky Dur*, and to the supplying the said Town and County Borough and the Liberties thereof with Water, and watching the same, and to the Appointment of and Powers and Authorities given to any Commissioners for those Purposes, and also so much of the said Act as authorizes the raising or levying any Rates upon any of the Inhabitants of the said Town or Borough, for either of the Purposes aforesaid, should be repealed; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as relates to the building of a Gaol and House of Correction for the Town and County Borough of *Carmarthen*, upon the said Piece of Ground called *The Old Bowling Green or Parky Dur*, and to the supplying the said Town and County of the Borough and the Liberties thereof with Water, and watching the same, and to the Appointment of and Powers and Authorities given to any Commissioners for those Purposes, and also so much of the said Act as authorizes the raising or levying any Rate or Rates on the Inhabitants of the Town or Borough of *Carmarthen*, or Owners or Occupiers of any Lands or Houses therein, or any of them, for either of the Purposes aforesaid, shall be and the same is hereby repealed.

Part of Act that relates to Gaol and supplying Town with Water, repealed.

Corporation may build a new Gaol on their own Land, or buy Land for that Purpose.

II. And be it further enacted, That immediately after the passing of this Act it shall be lawful for the said Mayor, Burgesses, and Commonalty of the Borough of *Carmarthen*, and they are hereby authorized to build or cause to be built a new Gaol, for the Use of the said County or the Borough, on any Piece of Ground situate within the said County of the said Borough of *Carmarthen* or the Liberties thereof, belonging to the said Mayor, Burgesses, and Commonalty, or, if they shall not be possessed of any convenient Piece of Ground for that Purpose, then it shall be lawful for the said Mayor, Burgesses, and Commonalty to purchase, and for any Person or Persons to sell to them any Piece or Pieces, or Parcel or Parcels of Land, whether the same shall have any Houses or Buildings thereon or not, that may be convenient and sufficient for such Purpose, and at the Expence, Costs, and Charges of them the said Mayor, Burgesses, and Commonalty.

New Gaol to be the Common Gaol, and to be repaired ever after at the Expence of the Corporation.

III. And be it further enacted. That when the said new Gaol shall be finished, it shall be the Common Gaol for the said County of the Borough of *Carmarthen*; and the said Gaol shall at all Times and for ever afterwards be repaired and kept in repair by the Mayor, Burgesses, and Commonalty of the said Borough, out of the Estates and Funds of the said Mayor, Burgesses, and Commonalty, and in no other Manner whatsoever; and the Sheriffs of the said County of the Borough for the

Time

Time being shall have the keeping of such new Gaol, and when the same shall be fit for the Reception of Prisoners, the said Mayor shall cause Notice thereof to be given to the said Sheriffs, who shall with all convenient Speed remove to such new Gaol all such Prisoners as shall be in their Custody, which Removal shall not be deemed or taken to be an Escape.

IV. And be it further enacted, That a Space of Fifteen Feet, more or less, on the Outside of the boundary Wall of the said intended new Gaol, shall be considered as a publick Footway for ever; and all Roads or Ways leading to or surrounding the said Gaol, shall be considered as publick Highways, and shall from Time to Time be repaired as such.

Fifteen Feet round the intended House of Correction to be declared a public Highway.

V. And be it further enacted, That the Justices of the Peace, at their General Sessions for the said County of the Borough of *Carmarthen*, may, if they think fit, appoint an experienced Surgeon or Apothecary to attend the said new Gaol and House of Correction, or either of them at a stated Salary, and may remove him or vary his Salary from Time to Time; and every Surgeon and Apothecary so appointed shall and is hereby directed to report to the said Justices at every General Sessions, a State of the Health of the Prisoners under his Care.

Power to appoint a Surgeon.

VI. And be it further enacted, That all and singular the Laws and Statutes of this Realm, which from the Nature of the Case can be applied to the said new Gaol and House of Correction for the said County of the Borough of *Carmarthen*, or to the building, fitting up, and repairing the same respectively, or to the ordering, governing, and transferring Prisoners to be confined therein, or with regard to any Regulations to be observed therein, shall extend to the new Gaol and House of Correction and Premises, in the same Manner as if the same Laws and Statutes were herein particularly enacted and repeated, and applied to the said new Gaol and House of Correction.

Laws in force relative to Gaols to apply to this Gaol.

VII. And be it further enacted, That when and as soon as the said new Gaol shall have been erected and built, the same or such Part thereof as shall be sufficient, shall be fitted up and furnished by order of the Justices of the Peace for the said County of the Borough, as Houses of Correction are directed by an Act, passed in the Seventeenth Year of his late Majesty King *George* the Second, intituled, *An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*; and so soon as such House of Correction shall be fit for the Reception of Offenders, the Justices of the Peace for the said County of the Borough shall have the like Power and Authority over the same as Justices of the Peace have by virtue of any Law now in Force over those already erected or provided within any of the Counties of *England* or *Wales*; and the said new House of Correction shall from the Time of its being first used as such, together with the Buildings, Aqueducts, Fountains, and Appurtenances thereto belonging, be repaired and supported, and all Persons to be confined therein shall from Time to Time, and at all Times for ever hereafter, be maintained and provided, and the salaries of Officers and other Persons to be employed in the Conduct and Management of the same shall be

Justices to have the like Power over House of Correction as Justices of Peace for any County in *England*, &c.

be paid and borne, and all Materials and Implements shall be found and provided at the Expence of and by the Mayor, Burgesses, and Commonalty of the said Borough, in the same Manner as Houses of Correction ought to be by the Laws and Statutes of this Realm.

Power to
bring Water
into the
County Bo-
rough and
Liberties
thereof.

VIII. And be it further enacted, That, from and after the passing of this Act, it shall be lawful to and for the said Mayor, Burgesses, and Commonalty of the said Borough, or any Person or Persons by them authorized and directed, at the Expence, Costs, and Charges of the said Mayor, Burgesses, and Commonalty, from Time to Time when they or any of them shall think proper, to enter into any Rivers, Brooks, Rivulets, or Water Springs within the said County of the Borough of *Carmarthen*, or the Liberties and Precincts thereof, or within the Compass of Two Miles from the Confines of such County of the Borough, and to make and erect any Weir, Dam, Damhead, Pond, Cistern, Reservoir, Engine or Engines, Building or Buildings, or any other Device or Devices whatsoever, for the raising of Water and conducting or carrying off the same, into and for the Use and Benefit of the Inhabitants of the said County of the Borough and the Liberties and Precincts thereof, and to lay any Pipe or Pipes, Main or Mains, Trough or Troughs, or to form, make, and perfect any Aqueduct or Aqueducts, or other Matter or Thing whatsoever, in the Bed or Beds of any such River, Brook, Rivulet, or Spring, or across, over, or under, through or on the Side or Sides thereof, and from Time to Time to alter, repair, and continue the same, and also from Time to Time to cut and dig any Channel, Main, Cut, or Duct, in and through any of the Grounds, Pieces or Parcels of Land, Highways, Streets, Lanes, Roads, Causeways, Pitchings, or any other Place or Places whatsoever, within the said County of the Borough of *Carmarthen* or Liberties and Precincts thereof, or in the County of *Carmarthen*, within Two Miles of the Boundary or Confines of such County of the Borough, for the Purposes of laying down, altering, repairing, or continuing such Pipes, or of forming, making, or perfecting such Aqueducts or other Requisites for conveying Water thereby, into the said County of the Borough and the Liberties and Precincts thereof; and every Part of the same, for the Use of the Inhabitants of the said County of the Borough; and also to contract and agree with the Owners and Occupiers of, and all Persons, Bodies Politick and Corporate, interested in any Lands, Tenements, or Hereditaments, necessary to be used for, or that may be affected by any of the Purposes aforesaid, relating to the bringing and conveying of such Supply of Water, for Liberty to perform and execute the same; and in case it shall be necessary to perform any of the Works aforesaid in any publick Highway or Waste Ground, it shall be lawful for the said Mayor, Burgesses, and Commonalty, or their Servants, Workmen, or Agents, from Time to Time as often as there shall be Occasion, to enter upon, and to dig and break up the Soil of any such Highway or Waste Ground, and lay Pipes, Tunnels, and other Things, in and through the same, for the Purpose of bringing a sufficient and regular Supply of Water into the said Town and County of the Borough aforesaid, and the Liberties and Precincts thereof and every Part thereof.

Not to divert
Water from
any Place

IX. Provided always, That nothing in this Act contained shall authorize or empower the said Mayor, Burgesses, and Commonalty, or any other Person

Person or Persons, to divert, take, or use any Water from any Streams, Springs, or Ponds, so as to deprive the Owners and Occupiers of any Works, Forges, Furnace or Furnaces, Rolling, Grist, or other Mills, or of any Lands and Tenements, who now use and enjoy the same, of a sufficient Quantity of Water for the necessary Uses of such Works, Forges, Furnaces, Rolling, Grist, or other Mills, or of such Lands and Tenements respectively, and for the Cattle depasturing in and upon the same.

without leaving a sufficient quantity for the Use of the Occupiers.

X. And be it further enacted, That the said Mayor, Burgeses, and Commonalty, or any Person or Persons by them authorized and directed, shall and may and they are hereby empowered and authorized, from Time to Time, at the Expence, Costs, and Charges of the said Mayor, Burgeses, and Commonalty, to contract with any Person or Persons for making, building, and erecting such Dam or Damhead, Pond, Cistern, Reservoir, Engine or Engines, Buildings, or any other Device or Devices, and for making and perfecting any Channel, Course, Main, Cut, or Duct through any of the Grounds, Pieces, or Parcels of Land, Highways, Streets, Lanes, and Places aforesaid, for the bringing and conducting such Water into and through the said Town and County of the Borough of *Carmarthen* aforesaid, and the Liberties and Precincts thereof, and every Part thereof, as the said Mayor, Burgeses, and Commonalty shall think necessary or convenient; and that, from and after the Time when the Water shall be so brought into the said Streets and Lanes of the said County of the Borough and the Liberties and Precincts thereof, it shall be lawful for the said Mayor, Burgeses, and Commonalty, or any Person or Persons by them authorized, to contract and agree with all and every or any of the Owners of Houses or Buildings or Inhabitants within the County of the Borough aforesaid and the Liberties and Precincts thereof, for laying down one or more private Pipe or Pipes leading from such main Pipe or Pipes to any House or Houses, Place or Places whatsoever, for the Purpose of conveying Water thereto, for such Sum or Sums of Money and for such Term or Terms as the said Mayor, Burgeses, and Commonalty, or any Person or Persons to be by them duly authorized, shall from Time to Time agree with the Owner or Owners, Occupier or Occupiers of such House or Houses, Place or Places respectively.

Mayor, &c. may contract for bringing Water, making Dams, &c.

XI. Provided always, That such Owner or Owners, Occupier or Occupiers applying and agreeing for such private Pipe or Pipes, shall, at his, her, or their own Costs and Charges, lay down the same, and make good the Pavement affected thereby, under the Direction of the said Mayor, Burgeses, and Commonalty; and keep such Pipe or Pipes in Repair for such Time or Term as he, she, or they shall agree with the said Mayor, Burgeses, and Commonalty, for the Use of the said Water as aforesaid.

Owners to be at the Expence of private Pipes, and to make good Pavements taken up to lay them.

XII. Provided always, and it is hereby enacted, That if any Owner or Owners, Occupier or Occupiers of any House or Houses, or other Place or Places whatsoever, who shall agree with the said Mayor, Burgeses, and Commonalty, for the Use and Benefit of such Water to be conveyed in private Pipes in Manner aforesaid, shall neglect or refuse to pay such Sum or Sums of Money so agreed upon as aforesaid Half Yearly, as the same shall from Time to Time become due or payable, or within Twenty

Power to recover the Water Rents by Districts and Sale, after Notice, if not paid Half-yearly.

Days next after the Expiration of every Half Year, it shall be lawful for the said Mayor, Burgesses, and Commonalty, or any Person duly authorized, to enter in the Daytime into such House or Houses, or other Place or Places whatsoever, supplied with such Water, and there demand the Sum or Sums so due of and from the Owner or Occupier thereof; and upon Neglect or Refusal to pay the same, or in case such Owner or Occupier shall not appear to the Person so entering and inquiring for such Owner or Occupier, to distrain for such Sum or Sums of Money as shall then be in Arrear and unpaid, and also to sell and dispose of the Distress and Distresses, in like Manner and with the like Power and Authorities as Landlords are empowered to do for the Recovery of Rent and Arrears of Rent.

No Pipe to be laid to any House or Place unless the Occupier do first agree with the Mayor, &c. or Persons so appointed.

XIII. Provided also, That if any Person or Persons who shall or may at any Time or Times hereafter become Tenant or Tenants, Occupier or Occupiers of any House or Place to which any Water shall hereafter by virtue of this Act be brought, by one or more private Pipe or Pipes from the main Pipe, shall not chuse to agree with the said Mayor, Burgesses, and Commonalty, or such Person or Persons as they shall appoint, for the continuing such Water by such Private Pipe or Pipes, it shall be lawful for the said Mayor, Burgesses, and Commonalty, or such Person or Persons as they shall appoint as aforesaid, to break off and separate such private Pipe or Pipes leading to such House or Place, and to continue the same so separated, for and during such Time as such Owner or Occupier shall neglect or refuse to agree with the said Mayor, Burgesses, and Commonalty, or whom else they shall appoint, for the Use and Benefit of such Water.

Water Pipes, &c. vested in the Mayor, &c.

XIV. And be it further enacted, That the Property of and in every Dam, Weir, Engine, Cistern, Reservoir, Pipe, Aqueduct, and Building, made, erected, and provided for bringing Water into and conducting the same through the Streets, Lanes, and other Places within the said County of the Borough and the Liberties and Precincts thereof, and all Materials, Implements, and other Things which shall be purchased, provided, or gotten, for the Purposes aforesaid, shall belong to and be vested in the said Mayor, Burgesses, and Commonalty of the said Borough.

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

XV. Provided always, and be it further enacted, That if any Person or Persons shall take or use, or cause, permit, or suffer to be taken or used, any Water from or out of any Reservoir, Aqueduct, or Pipe, which shall be made or laid by virtue of this Act, except the Conduits for the Use of the Publick, without the previous Consent of the said Mayor, Burgesses, and Commonalty, or any Person or Persons by them authorized; or if any Person or Persons supplied with Water by virtue of this Act shall supply any other Person with any Part of such Water; or if any Person or Persons shall wilfully let off or cause to run to waste any Water from any such Aqueduct or Pipe; then and in every such Case every Person so offending shall for every such Offence forfeit and pay to the said Mayor, Burgesses, and Commonalty, any Sum not exceeding Twenty Shillings nor less than Five Shillings; and it shall also be lawful for the said Mayor, Burgesses, and Commonalty, if they shall so think fit, to take off the Water from the House or Building of any Person so supplied and offending.

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XVI. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend, to subject any Person or Persons whomsoever supplied with Water by virtue of this Act, to any Penalty or Forfeiture for supplying any other Person or Persons with any Quantity of such Water in case of Fire; or during any Time that the Pipes or Cocks of any Person shall or may happen to be out of Repair, such Pipes or Cocks nevertheless being repaired as soon as may be after any Damage shall happen thereto.

Except in certain Cases.

XVII. And be it further enacted, That every Person or Persons contracting with the said Mayor, Burgeses, and Commonalty, or such Person or Persons as they shall appoint, for being supplied with Water, shall be compelled, under and subject to the like Penalties contained in the foregoing Clause, in every Water Butt, Cistern, or other Receptacle for Water, to be provided by the said Parties so contracting, to attach or fix to the Pipe conveying the same from the said Waterworks, a Ball Cock or turn-off Tube, to prevent the Water running to waste when the said Water Butt, Cistern, or other Receptacle for the use of such particular Premises, are full; and that the Mayor, Burgeses, and Commonalty, or such Person or Persons as they shall appoint, shall have free Access (at all seasonable Times) to the said Premises so to be supplied as aforesaid, to inspect and see that the same are kept in proper and sufficient Repair and Condition.

A Ball Cock to be provided in Cisterns, &c.

XVIII. And be it further enacted, That the said Mayor, Burgeses, and Commonalty are hereby authorized and empowered from Time to Time (if necessary) to appoint such and so many Watchmen and Night Constables, to be employed in the said Town of the County of the Borough of *Carmarthen*, for so long Time in every Night, under such Regulations and for such Wages as they shall think proper, and to provide proper Boxes or Places of Reception for such Watchmen; and it shall be lawful for the said Watchmen and Night Constables, or any of them, and they are hereby authorized and required, to apprehend and secure all Disturbers of the publick Peace, and other suspected Persons, who shall be found wandering and misbehaving themselves during the Hours of keeping Watch, and to detain, confine, and carry such Persons, as soon as conveniently may be, before some Justice of the Peace for the County of the Borough of *Carmarthen*, to be examined and dealt with according to Law.

Watchmen to be appointed if Mayor, &c. shall think proper.

XIX. Provided always, and be it further enacted, That all and every Body and Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons, Owner or Owners, Occupier or Occupiers of any Lands or other Hereditaments through, in, or upon which the said Waterworks, Reservoirs, Aqueducts, Watercourses, or Feeders, or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Damages to be sustained by the making and completing the said Works herein-before directed, either in gross Sums or by annual Rents, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Mayor, Burgeses, and Commonalty; and in case the said Mayor, Burgeses, and Commonalty, and the Parties interested in such Lands, Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such

Satisfaction for Damages.

Satisfaction,

Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury as is hereinafter directed.

Jury to be
summoned.

XX. And be it further enacted, That if any such Body Politick, Corporate, or Collegiate, or any Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any Sum of Money offered by the said Mayor, Burgesses, and Commonalty, and shall give Notice thereof in Writing to the Town Clerk of the said County Borough, within Ten Days next after the same shall have been made; or if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, shall upon Notice in Writing given to the principal Officer of any such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, for the Space of Ten Days next after such Notice, Neglect, or Refusal to treat; or shall not agree with the said Mayor, Burgesses, and Commonalty, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not, within the before mentioned Space of Ten Days, produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein, then and in every such Case the said Mayor shall and is hereby empowered and required to issue a Warrant under his Hand and Seal to the Sheriffs of the County of the Borough of *Carmarthen*, or Sheriff of the County of *Carmarthen*, in which the Matter in Question shall arise, commanding such Sheriffs or Sheriff to impanel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials or Issues in His Majesty's Courts of Great Sessions in *Wales*, to appear before the Justices of the Peace for the said County, or County of the Borough wherein the Lands or Premises shall be, at some Court of General or Quarter Sessions of the Peace to be holden there, or at some Adjournment, as in such Warrant shall be appointed, and to attend such Court from Day to Day until discharged by the said Court; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Mayor is hereby empowered and required by any Precept or Precepts to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in Question, and to hear and examine such Witness or Witnesses upon Oath; and the said Justices may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in Question, which Jury upon their Oaths (which Oaths, and also the Oaths of such Persons as shall be called to give Evidence, such Justices are hereby authorized to administer) shall inquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and for any several and separate Interests of any Owners, Tenants,

Tenants, Tenants for Life, or Lessees or Tenants at Will, or any other Interest therein; and the said Justices shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury, which said Verdict and the Judgement thereupon to be pronounced as aforesaid, shall be signed by the said Justices, and shall be binding and conclusive, to all Intents and Purposes, against all Bodies Politick, Corporate, or Collegiate, and all other Persons, and shall not be removed by *Certiorari* or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

XXI. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the said Mayor, Burgesses, and Commonalty, before the summoning of any such Jury for or in respect of any such Lands, Tenements, Buildings, Hereditaments, or Damages, as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of the taking of such Inquest, shall be paid by the said Mayor, Burgesses, and Commonalty; but if any Verdict shall be given for no more or a less Sum than shall have been so previously offered, by or on the Behalf of the said Mayor, Burgesses, and Commonalty, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, Buildings, or Hereditaments in question, and shall and may in that Case be deducted out of the Sum to be paid to them by the said Mayor, Burgesses, and Commonalty: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Mayor, Burgesses, and Commonalty, such Costs and Charges shall be borne by the said Mayor, Burgesses, and Commonalty, in Manner aforesaid.

How Costs of Verdicts shall be paid.

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

Compelling the Sheriff to summon the Jury.

XXIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize or empower the said Mayor, Burgesses, and Commonalty, or any Person or Persons acting by or under their Authority, to

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

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take,

take, use, injure, or damage in the making or completing of the said Waterworks, Reservoirs, Aqueducts, or other Works relating thereto, or any other of the Purposes aforesaid, any House, Bridge, or other Building, which was erected or built on or before the passing of this Act, or any Land or Ground which on or before that Time was set apart and used as or for a Yard, Park, Paddock, Garden, planted Walk or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

Purchase Monies or Compensations due to Corporate Bodies, &c. to be laid out to the same Uses.

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

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

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

Application where the Compensation Money does not exceed 200 l. and above 20 l.

XXVI. And be it further enacted, That in case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall not be equal to or exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments in respect whereof the same shall be paid, in such Manner as the said Mayor, Burgesses, and Commonalty shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Mayor, Burgesses, and Commonalty, shall direct the same to be paid, shall be sufficient Discharges for the same.

Application where less than 20 l.

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

In case of not making out Title;

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

subject to the
Order of the
Court of
Chancery on
Motion or Pe-
tition.

placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*]; subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose 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.

Where any
Question shall
arise touching
the Title to
Money to be
paid, the
Person who
shall be in
Possession
of the Lands,
&c. at the
Time of such
Purchase shall
be deemed enti-
tled thereto,
according to
such Posses-
sion, unless,
&c.

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

The Court
of Chancery
may order
reasonable
Expences of
Purchases to
be paid by the
Mayor, &c.

XXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Mayor, Burgesses, and Commonalty, out of the Monies to be received by virtue of this Act, who shall from Time to Time

pay such Sums of Money for such Purposes as the said Court shall direct.

XXX. And be it further enacted, That immediately after the passing of this Act, it shall be lawful for the Mayor, Burgesles, and Commonalty of the said Borough, and they are hereby empowered, to release and discharge the Commissioners acting under the said herein-before recited Act, from all Sums of Money which have been lent by the said Mayor, Burgesles, and Commonalty, for the Purposes of the said Act; and the said Mayor, Burgesles, and Commonalty, shall, from and after the passing of this Act, be liable to and answerable for all Payments under any Contracts made by the Commissioners for supplying the said Town with Water, and the Parties performing the said Contract may sue the said Mayor, Burgesles, and Commonalty, for the Recovery thereof; and the said Mayor, Burgesles, and Commonalty, shall be entitled to the Benefit of all such Contracts, and may bring any Actions or Suits against any Persons for any Non-performance thereof.

Corporation
to release the
Commission-
ers.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any Person with whom the said Commissioners shall have entered into any Contracts in relation to any of the Purposes of the said Act as to the supplying the said Town with Water, from or by any legal Ways and Means, from full Payments, on any such Contracts against the said Commissioners, or to prevent the said Commissioners from raising, levying, and collecting any Rates that may be sufficient to repay to them any Money which they may be compelled to pay on any such Contracts; any Thing in this Act to the contrary notwithstanding.

Former Con-
tracts to re-
main valid.

XXXII. And be it further enacted, That all Penalties or Forfeitures, and Sums of Money by virtue of this Act imposed, or authorized to be imposed or made payable, the Manner of recovering whereof is not hereby otherwise directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to the Payment of such Money, by Warrant under the Hand and Seal of any Justice of the Peace for the County of the Borough of *Carmarthen* (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Information of any credible Witness upon Oath); and such Penalties or Forfeitures shall, if not directed to be otherwise applied by this Act, be paid to the said Mayor, Burgesles, and Commonalty, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures, or Sums of Money, shall not be forthwith paid, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders, or the Person or Persons liable to the Payment of such Money, to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties or Forfeitures, or Sums of Money, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Recovery of
Penalties.

Limitation of
Actions for
the Recovery
of Penalties.

XXXIII. Provided always, and be it further enacted by the Authority aforesaid, That all Actions and Proceedings for all and every the Penalties and Forfeitures imposed by this Act, shall be commenced within the Space of Six Calendar Months next after the Fact from which the Penalty or Forfeiture arises shall be committed, and not afterwards.

Justices may
mitigate Pen-
alties.

XXXIV. Provided also, and be it further enacted, That it shall be lawful for the Justices of the Peace before whom any Offender shall be convicted of any Offence against this Act, to mitigate or lessen any of the Penalties or Forfeitures by this Act imposed, as he in his Discretion shall think fit; and every such Mitigation shall be a sufficient Discharge to the Person or Persons offending, for so much of the said Penalties and Forfeitures as shall be mitigated or lessened.

Inhabitants
may be Wit-
nesses.

XXXV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, any Inhabitant of the Town and County of the Borough of *Carmarthen* aforesaid shall be admitted and allowed to give Evidence.

Proceedings
not to be re-
moved by
Certiorari,
or quashed
for want of
Form.

XXXVI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter and Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or into His Majesty's Court of Great Sessions for the County or County of the Borough of *Carmarthen* aforesaid, or into any other of His Majesty's Courts of Record; any Law or Statute to the contrary notwithstanding.

Appeal to the
Quarter Ses-
sions or Ge-
neral Sessions.

XXXVII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Matter or Thing to be done in pursuance of the Powers herein-before contained (except in such Cases where the final Determination is herein-before directed) such Person may, at their Choice or Option, appeal to the Justices of the Peace of the County of *Carmarthen*, at the General Quarter Sessions of the Peace to be holden in and for the said County, or to the Justices of the Peace of the County of the Borough of *Carmarthen*, at their General Sessions of the Peace to be holden in and for the said County Borough within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Eight Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matters thereof, to the Mayor of the said Borough, and within Four Days after giving such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Carmarthen*, or the County of the Borough of *Carmarthen*, with two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter or General Sessions for the said County or County of the Borough; and the said Justices at such respective Quarter or General Sessions of the Peace, upon due Proof of such Notice and of entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary way, and award such Costs to the Party appealing or appealed against as they shall think

think proper; and their Determination therein shall be final, binding, and conclusive to all Parties, and to all Intents and Purposes.

XXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Mayor of the said Borough, or after sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Carmarthen* or County of the Borough of *Carmarthen*, and not elsewhere; and the Defendant in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his or her Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases of Law.

Limitation of
Actions and
Tender of
Amends.

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

Publick Act.

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