



ANNO QUADRAGESIMO OCTAVO

# GEORGII III. REGIS.

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## *Cap. 137.*

An Act for supplying with Water the Inhabitants of  
the Borough of *Colchester*, in the County of *Essex*.

[23d June 1808.]

**W**HEREAS the Inhabitants of the several Parishes or Townships of *All Saints, Saint Botolph, Saint Giles, Saint James, Saint Leonard, Saint Martin, Saint Mary's at the Walls, Saint Mary Magdalen, Saint Nicholas, Saint Peter, Saint Runwold, Lexden, and The Holy Trinity*, within the Borough of *Colchester*, are desirous to have a Supply of good and wholesome Spring Water for domestic Purposes: And whereas the said Parishes are very populous, and the Number of Houses and Buildings within the same are very numerous, and in Cases of Accident by Fire the Inhabitants thereof might be exposed to the most calamitous Losses for want of a sufficient Supply of Water, which would also greatly contribute to the Health, Comfort, and Convenience of the said Inhabitants: And whereas the erecting and making of proper and suitable Waterworks, Aqueducts, and Reservoirs, in some or one of the Parishes of *Saint Peter, Saint Mary, and Lexden*, within the Borough of *Colchester* aforesaid, for supplying the Inhabitants of the aforesaid Parishes with Water, would tend to promote the beneficial Purposes before-mentioned: And whereas the several Persons herein-after named are willing and desirous at their own Expence to erect and make such Waterworks, Aque-

[*Loc. & Per.*]

29 Q

ducts,

Proprietors.

Their Style.

Company may  
raise among  
themselves  
10,000l.

ducts, Reservoirs, and other Works, as may be requisite and necessary for the Purposes aforesaid; but cannot effect the same without the Authority of Parliament; 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 *James Crowley, Ralph Dodd, George Dodd, Samuel Denton, Richard Hill, Thomas William Hodgson, John James Mackrill, and William Sutton*, together with such other Person or Persons, Bodies Politic and Corporate, as they or the major Part of them, present at any General or Special General Assembly, to be holden for the Purposes of this Act, shall nominate and appoint, and their several and respective Successors, Executors, Administrators, and Assigns, being a Proprietor or Proprietors of any Share or Shares in the Undertaking to be executed by this Act, shall be and they are hereby accordingly united into a Company for the making, completing, and maintaining the said Waterworks, Aqueducts, Reservoirs, and other Works necessary for the Purposes of this Act, hereby authorized to be made, according to the Rules, Orders, and Directions, hereinafter expressed, and shall for that Purpose be one Body Politic and Corporate, by the Name of "The Company of Proprietors of the *Colchester* "Waterworks," and by that Name shall have a perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power to purchase Lands, Tenements, or Hereditaments, to them, their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they shall think proper, any Sum or Sums of Money, not exceeding in the Whole the Sum of Ten thousand Pounds (except as herein-after mentioned); which said Sum of Money shall be laid out and applied, in the first Place, in discharging the Expences of obtaining and passing this Act, and of the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then for and towards the making, completing, and maintaining the said Reservoirs and Aqueducts, and other requisite Works and Conveniencies thereto, and for otherwise carrying the several Purposes of this Act into Execution; and the said Sum of Ten thousand Pounds shall be divided into Shares of One hundred Pounds each; and that no Body Politic, Corporate, or Collegiate, or Person, becoming a Proprietor in the said Undertaking, shall be possessed of or interested in more than Twenty Shares, either in his own Name, or in the Name or Names of any other Person or Persons in Trust for them, him, or her, (unless the same shall come to them, him, or her, by Will, Bequest, Descent, Right of Administration, or Marriage), and such Shares shall be and are hereby vested in the several Persons and Bodies Politic, Corporate, or Collegiate, so subscribing and contributing to the same, and their several and respective Executors, Administrators, Successors, and Assigns, and to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons whomsoever, their several and respective Successors,



cessors, Executors, Administrators, and Assigns, who shall severally subscribe for one or more Share or Shares, or such Sum or Sums of Money as shall be called for or demanded by virtue of this Act, for carrying on and completing the said Undertaking, shall be entitled to and receive the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors, by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, and Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed.

III. And be it further enacted, That all and every the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be  
Personal  
Estate.

IV. And be it further enacted, That from and after the First Day of *June* next ensuing, no Proprietor shall be deemed qualified to vote, who has not possessed his Share or Shares, and been entered in the Books of the said Company as the Possessor and Proprietor of such Share or Shares, for the Space of One Calendar Month; and that any Proprietor voting at any General or Special Meeting of the Proprietors, who has not possessed his Share or Shares for the said Space of One Month shall be subject and liable to forfeit his said Share or Shares to the Use of the said Company: Provided also, that no Proprietor shall be entitled to vote for any Share or Shares, unless he possesses the same *bonâ fide* and in his own Right, and not as the Right or Property of any other Person whomsoever, upon Pain of forfeiting the said Share or Shares to the Use of the said Company.

Proprietors  
not entitled to  
vote unless  
possessed of  
their Shares  
One Calendar  
Month.

V. And be it further enacted, That every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for One Share in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns shall have a Vote for every such Share, but not exceeding Twenty Votes in the Whole, although possessed of more than Twenty Shares in Manner aforesaid, in the stated and Special General Assemblies, to be held as herein appointed for carrying on the said Undertaking; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy constituted under the Seal of such Body Politic, Corporate or Collegiate, or the Hand of such other Person, every such Proxy being a Proprietor in the said Undertaking, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any stated or Special General Assembly of the said Company of Proprietors shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share: Provided nevertheless, that no Person shall vote for more than Twenty Shares as aforesaid, or shall act as Proxy for more than Two absent Proprietors, such Votes by Proxy or Proxies in the Whole not to exceed

Subscribers to  
have a Vote  
for every  
Share, but not  
to exceed 20  
in the Whole.

Votes may be  
given by  
Proxy.



ceed Forty Votes or Shares, the Appointment of which Proxies may be made according to the Form following; (that is to say),

Form of  
Proxy.

‘ I *A. B.* of one of the Proprietors of the *Colchester*  
‘ Water Works do hereby nominate, constitute, and appoint *C. D.*  
‘ of to be my Proxy, in my Name and in my Ab-  
‘ sence to vote or give my Assent or Dissent to any Business, Matter, or  
‘ Thing relating to the said Water Works, that shall be mentioned or  
‘ proposed at any Assembly of the Company of Proprietors of the said  
‘ Water Works, in such Manner as he the said *C. D.* shall think proper,  
‘ according to his Opinion and Judgment, for the Benefit of the said  
‘ Water Works, or any Thing appertaining thereto. In Witness where-  
‘ of I have hereunto set my Hand [or Seal] the  
‘ Day of

And at every General Assembly of the Company of Proprietors, One of the Proprietors present shall be appointed Chairman, and shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes, shall have the decisive or casting Vote.

Power to raise  
among them-  
selves a further  
Sum if neces-  
sary;

VI. 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 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 to and for the said Company of Proprietors to raise 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 Five thousand Pounds, and every Body Politic, Corporate, or Collegiate, 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 by themselves, himself, or herself, in respect of every One hundred Pounds of the said additional Sum to be raised (but not exceeding Twenty Votes in the Whole) and stand interested in all the Profits of the said Undertaking, in proportion to the Sum they, he, or she shall or may subscribe thereunto, 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 herein first-mentioned Sum of Ten thousand Pounds, any Thing herein contained to the contrary thereof in anywise notwithstanding.

To raise Mo-  
ney by way of  
Mortgage.

VII. Provided always, and be it enacted, That in case the said Company of Proprietors shall be desirous of raising the said additional Sum of Five thousand Pounds or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful to and for the said Company of Proprietors, to borrow and take up at Interest all or any Part of the said additional Sum of Five thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Sums of Money) as a Security for any Sum  
or



or Sums of Money so to be borrowed with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say,)

• **BY** virtue of an Act made in the Forty-eighth Year of the Reign of **King George the Third**, intituled, *An Act [here insert the Title of this Act]*, we the Company of Proprietors of the said Undertaking incorporated by and under the said Act, in Consideration of the Sum of Form of Mortgage;  
 • to us, in Hand paid by *A. B.* of  
 • do hereby bargain, sell, and assign unto the said  
 • *A. B.* his Executors, Administrators, and Assigns, the said Undertaking, and all the Works thereto 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 Estate, Right, Title, and Interest of, in, and  
 • to the same, to hold unto the said *A. B.* his Executors, Administrators,  
 • and Assigns, until the said Sum of with Interest  
 • for the same after the Rate of *per Centum per Annum,*  
 • shall be fully paid and satisfied. Given under our Common Seal, this  
 • Day of in the Year of our Lord One thousand eight  
 • hundred and .

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Sums and Premises, according to the respective Sums in such Assignments mentioned, to be advanced without any Preference, by reason of the Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall within Twenty Days from the Date of every such Assignment be entered in one or more Book or Books, to be kept by the Clerk of the said Company, and shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Person interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein, to any Person or Persons by Writing under his, her, or their Hand and Seal, or Hands and Seals; which Transfer shall and may be in the Form or to the Effect following; (that is to say),

which Mortgage may be assigned.

• **I** *A. B.* of in Consideration of the Sum  
 • of , paid by *C. D.* of Form of Assignment;  
 • do hereby transfer a certain Mortgage made by the Company of Proprietors of “*The Colchester Waterworks*” to , bearing  
 • Date the Day of , for securing the Sum  
 • of , and all Interest now due and to become due thereon,  
 • and all my Right and Property therein to the said *C. D.* his Executors,  
 • Administrators, and Assigns. Dated this Day of  
 • in the Year of our Lord One thousand eight hundred and .

And every such Transfer shall within Twenty Days after the Date thereof be produced to the Clerk to the said Company of Proprietors, who  
 [Loc. & Per.] 29 R shall



shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which Memorial the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons, who shall have made any such Assignment, to make void, release, or discharge the original Mortgage, or any Money thereby secured or any Part thereof.

Interest to be paid Half-yearly.

VIII. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid Half-yearly to the several Persons entitled thereto before any Yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Mortgagees not to be considered as Proprietors of Shares.

IX. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or be capable of acting or voting by virtue of such Mortgage or Assignment, at any Assembly or Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Money on the Credit of any such Assignment.

Notice to be given of paying off Money.

X. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage shall be paid off and discharged, (save and except with the Consent of the Person or Persons so lending and advancing such Sum or Sums of Money), unless Six Months previous Notice under the Common Seal of the said Company of Proprietors shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same.

Empowering the Proprietors to recover Money paid on account of any Share or Shares previous to the passing of this Act.

XI. And it is hereby further enacted, That all and every Sum and Sums of Money which shall, previous to the passing of this Act, have been paid by any Subscriber or Subscribers to the said Undertaking, for or on account of any Share or Shares therein to any Person or Persons whomsoever, shall be accounted for by such Person or Persons to the said Company of Proprietors or their Committee, and shall be paid to the said Company of Proprietors or their Committee, or to such Person or Persons and at such Time or Times as they shall respectively appoint; and in case of Non-payment thereof, the same shall and may be recovered by the said Company of Proprietors from the Person or Persons to whom or to whose Account the same shall have been paid, in such and in the like Manner, and by such Ways and Means, as if such Sum or Sums of Money had been advanced and paid by or received on account of the said Company of Proprietors after the passing of this Act.

First and other General Assemblies.

XII. And be it further enacted, That the first General Assembly of the said Company of Proprietors for putting this Act into Execution shall be holden at the *Three Cups Inn*, in the Town of *Colchester*, upon the Second *Wednesday* after the passing of this Act, or as soon as conveniently may be, at the Hour of Eleven of the Clock in the Forenoon, and  
future



future General Assemblies of the said Company, (except such Special General Assemblies as herein-after mentioned) shall be holden on the Second *Wednesday* in the Month of *July* in every Year, at the Hour of Eleven of the Clock in the Forenoon, at such Place or Places as the said Company of Proprietors at their preceding General Assembly shall from Time to Time direct and appoint, of which future General Assemblies Twenty-one Days previous Notice at least shall be given by public Advertisement, to be inserted in some Newspaper usually circulating in the County of *Essex*, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and at such General Assemblies, it shall be the Duty of the Directors of the said Company, to report to the Proprietors at large, the State of the said Undertaking, and their Proceedings in carrying this Act into Execution; which Report shall be fairly entered into the Books of the Corporation by the Clerk, and a Copy of the same to be left at their Head Office for the Perusal of the Proprietors, who shall have access thereto during such Hours as the said Office is usually open.

XIII. And be it further enacted, That *James Crowley, Ralph Dodd, George Dodd, Thomas William Hodgson, and William Sutton*, shall be and are hereby appointed Directors for conducting the Business of the said Undertaking, from the Day of the first General Assembly of the said Company of Proprietors to be held as herein-before mentioned, until the next General Assembly of the said Company to be holden on the Second *Wednesday* in *July* then next ensuing.

Officers of  
Company and  
Court of Di-  
rectors.

XIV. Provided always, That any Person shall be capable of acting or of being chosen as a Director as herein-after directed, who shall hold and be possessed of any Share or Shares in the said Undertaking: Provided also, that if any Person so chosen as a Director shall hold any Contract or Employment under the said Company, he shall not be capable of voting as a Director, during the Time of his holding such Contract or Employment.

Qualifications  
of Directors.

XV. Provided always, and be it enacted, That the said Five Directors so herein-before nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively, by virtue of this Act, shall continue in Office until the Second *Wednesday* in *July* next after such their Nomination and Appointment; and on such Day One of the said Directors shall go out of Office, and cease to be a Director of the said Company: And in order to determine who of the said Directors shall go out of Office, and cease to be a Director, the Clerk of the said Company, at the General Assembly to be holden on that Day, (or some Adjournment thereof), shall and he is hereby required to write upon distinct Pieces of Paper, of equal Size, the Name of one of each of the said Directors; and all such Papers shall be rolled up in the same Form, as near as may be, and be put into a Box or Wheel; and one of such Papers shall then be drawn out of such Box or Wheel, by such Clerk; and the Director, whose Name shall be upon such Paper so drawn, shall go out of Office, and cease to be a Director; and the said Company shall then nominate and appoint One other Member, who shall be possessed of and entitled to any Share or Shares in the said Undertaking, and such Person so appointed shall continue in Office for the Space of Three Years,

Subsequent  
Appointment  
of Directors  
(by the  
Proprietors)  
in the Room  
of those going  
out of Office,  
by Rotation.



Years, (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed, and no longer); and on the Second *Wednesday* in the next succeeding Month of *July* One of the Directors first nominated and appointed by this Act as a Director, or the Person or Persons nominated or appointed in his Room or Stead, shall go out of Office, and cease to be a Director: And in order to determine which of such Directors shall go out of Office, and cease to be a Director, the Clerk of the said Company, at the General Assembly to be holden on that Day, (or some Adjournment thereof), shall and he is hereby required to write upon Four distinct Pieces of Paper, of an equal Size, the Name of One of each of such Directors; and all such Papers shall be rolled up in the same Form as near as may be, and put into a Box or Wheel, by such Clerk; and One of such Papers shall then be drawn out of such Box or Wheel, by such Clerk, and the Director whose Name shall be upon such Paper so drawn, shall go out of Office, and cease to be a Director; and the said Company shall then nominate and appoint One other Member, qualified as aforesaid, to be a Director, in the Room or Stead of such Director; and such Person so nominated and appointed shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed), and no longer; and on the Second *Wednesday* in the next succeeding Month of *July* One of the remaining Directors first nominated and appointed by this Act as Directors, or the Person or Persons nominated and appointed in his or their Room or Stead, shall go out of Office, and cease to be a Director of the said Company, in like Manner aforesaid; and the said Company shall, at their General Assembly to be holden on that Day, nominate and appoint such other Member qualified as aforesaid, to be a Director, in the Room or Stead of such Director; and such Person so nominated and appointed, shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed), and no longer; and on the Second *Wednesday* in every succeeding Month of *July* in each and every Year, One Director out of the Members of the said Company, qualified as aforesaid, shall be nominated and appointed; and such Director shall continue in Office for the Space of Three Years (except in case of Death, or Refusal to act, or ceasing to be qualified in Manner by this Act directed), and no longer: Provided always, that it shall and may be lawful to and for the said Company of Proprietors, again to nominate and appoint any such Person or Persons so qualified as aforesaid, and going out of Office, to be a Director or Directors of the said Company.

In case a Director is not appointed on the Day mentioned, another Meeting to be had for that Purpose.

XVI. Provided also, and be it enacted, That in case on any Second *Wednesday* in the Month of *July* no such Nomination and Appointment of such Director shall be made, then and in every such Case another Meeting of the said Company shall be holden on the Second *Wednesday* following for the Purpose of making such Election; and in case no such Nomination and Appointment of such Director shall be then made, then and in every such Case another Meeting of the said Company shall be holden on the Second *Wednesday* following, for the Purpose of making such Election, and so *toties quoties* until such Director shall be chosen; but such Director shall not continue in Office to be a Director of the said Company for any longer Space of Time than if he had



had been elected on the said Second *Wednesday* in the Month of *July* as  
afore said.

XVII. And be it further enacted, That in case any Person or Persons nominated and appointed by the said Company as a Director or Directors shall die or refuse to act in the Execution of this Act, or shall not, or cease to be entitled to any Share or Shares in the said Undertaking, then and in every such Case it shall and may be lawful to and for the said Company to nominate and appoint at some Assembly of the said Company, some Person or Persons qualified as afore said to be a Director or Directors, in the Room or Stead of the Director or Directors so dying or refusing to act, or ceasing to be so qualified; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Regulations, and Restrictions, as the Person in whose Room or Stead he shall be so nominated and appointed, and shall continue in Office for such Time and no longer, as the Director in whose Room or Stead he shall be so nominated or appointed, would have continued in Office.

Subsequent  
Appointment  
of Directors  
(by the Pro-  
priators) in  
the Room of  
those who shall  
die, refuse to  
act, or become  
disqualified.

XVIII. And be it further enacted, That the said Company of Proprietors may make the said intended Waterworks in or over the Lands or Grounds of any Person or Persons whomsoever into whose Lands or Grounds such Waterworks shall extend; although their Names are not mentioned in the Book of Reference; or into the Lands or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of any Two Justices of the Peace acting for the Borough of *Colchester*, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference; or that instead thereof, the Name or Names of some other Person or Persons to whom such last mentioned Lands and Grounds do not belong, have or hath by Mistake been inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

For remedy-  
ing Omissions  
of or Mistakes  
in the Names  
of Proprietors  
and Occu-  
piers.

XIX. And be it further enacted, That if at any such General Assembly there shall not be Persons present, either as Principals or Proxies, who shall be possessed of or entitled unto at least Twenty Shares in the said Undertaking, such General Assembly of the said Company shall be adjourned to that Day Fortnight to be holden at the same Place, and so from Time to Time until there shall be such Persons or Proxies present at such General Assembly having such Number of Shares as afore said, and of every such adjourned Meeting Seven Days Notice shall be given in One or more of the *London* Newspapers, and in One or more Papers usually circulated in the Town or Borough of *Colchester*, and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares at such General Assembly, every Proprietor who shall not attend such second or adjourned General Assembly, shall forfeit and pay to the said Company for every Share which he or she shall possess in the said Undertaking, the Sum of Twenty Shillings to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking (as the Case may happen); and in case no Interest or Dividends shall be payable to such Person or Persons making Default as afore said, within Twelve Calendar Months next after the making of such Default, then and in such Case such Penalty or Forfeiture of Twenty

General As-  
semblies for  
choosing Di-  
rectors to  
consist of  
20 Shares.

[Loc. & Per.]

29 S

Shillings



Shillings shall and may be levied and recovered by such Ways and Means as any other Penalty or Forfeiture imposed by this Act may be levied and recovered.

Powers to General Assemblies.

XX. And be it further enacted, That the said Company of Proprietors shall have Power and Authority, at any such General Assembly, to remove and displace any Director nominated and appointed by virtue of this Act, and from Time to Time to nominate and appoint another Person or Persons in his or their Room or Stead; and it shall and may be lawful to or for the said Company of Proprietors, at any General or special General Assembly to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye Laws, and Orders for the good Government of the said Company, and their Servants, Agents, and Workmen, and for the Superintendence and Management of the said Undertaking, and from Time to Time to alter and repeal the said Bye Laws, Rules, Orders, and Regulations or any of them, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against the same, as to such General or Special General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any one Offence; and all such Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company and printed, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that the same be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and every such General and Special General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of any Money for the said Company, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by, or concerned for or under them, in and about the said Undertaking and the Works thereto belonging; and the said Company shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at any such General or Special General Assemblies be thought proper and convenient.

Officers of the Company to be appointed.

XXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly to nominate and appoint under the Common Seal of the said Company, a Treasurer or Treasurers, Engineer or Engineers, Clerk or Clerks, Collector or Collectors, and such other Officers as to them the said Company of Proprietors shall seem proper, and from Time to Time to remove any such Treasurer or Treasurers, Engineer or Engineers, Clerk or Clerks, Collector or Collectors, or other Officers, or any of them, and to nominate and appoint another Person or Persons in his or their Room or Stead in Manner aforesaid, taking such Security from every such Treasurer, Engineer, Clerk, Collector, or other Officer for the due Execution of their respective Offices, and granting them such Salary or Compensation as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall, in a proper Book or Books, to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Persons who shall from  
Time



Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Directors respectively; and each of the said Proprietors of the said Undertaking shall and may at all Times have recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Chief or other Clerk to the said Company of Proprietors, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying the Sum of Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks to the said Company of Proprietors shall refuse to permit any Proprietor or Proprietors so interested as aforesaid to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XXII. And be it further enacted, That it shall be lawful for the said Directors to suspend or remove any Treasurer, Engineer, Clerk, Collector, Officer, or Servant of the said Company, for any Neglect, Misconduct, or Inability, and to appoint some other Person in their respective Places; and also to fill up the Vacancies that may occur by Death, Resignation, or otherwise, but in case any such new Appointment shall be made by the said Directors, but the same shall continue only until the next General or Special General Assembly of the said Proprietors, when the Appointment of such Person shall either be confirmed, or such other fit Person shall be appointed to succeed to such Office as the said Proprietors at such General or Special General Assembly shall think proper.

For appoint-  
ing Officers in  
Cases of Va-  
cancies.

XXIII. And be it further enacted, That every such Treasurer, Engineer, Clerk, Collector, and all other Officers and Persons, so to be appointed as aforesaid, shall under their Hands at such Time and Times, and in such Manner as the said Company of Proprietors or their Directors shall direct, deliver to the said Company of Proprietors, or to the said Directors, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Clerk, Collector, Officer or Officers, and Person or Persons respectively received, by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors or to the said Directors, or to such Person or Persons as they respectively shall appoint; and if any such Treasurer, Engineer, Clerk, Collector, Officer, or Person, shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to the said Directors, or to such Person or Persons as they respectively shall appoint, within Twenty Days after being thereunto required by the said Company of Proprietors, or by the said Directors, all Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Company of Proprietors, or to the said Directors

Officers, &c.  
to account.



rectors, or as they respectively shall direct or appoint, then and in either of the Cases aforesaid, the said Company of Proprietors may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons respectively, or if Complaint shall be made by the said Company of Proprietors, or by the said Directors, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County, City, or Place, wherein the said Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required by a Warrant or Warrants under their Hands and Seals, to cause the Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing, to be brought before them, and upon his, her, or their appearing, or not being to be found, to hear and determine, the Matter in a summary Way, and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, such Justices may and are hereby authorized and required, upon Non payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Clerk, Collector, Officer and Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company of Proprietors, or to the said Directors, or to such Person or Persons as they respectively shall appoint, then and in any or either of the Cases aforesaid, such Justice shall commit such Offender or Offenders to the Common Gaol for such County, City, Town, or Place, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Directors, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to the said Directors; but no Treasurer, Engineer, Clerk, Collector, Officer, or Person, so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act, for any longer Space than Three Calendar Months.

Power of the  
Directors.

XXIV. And be it further enacted, That no Director shall have more than One Vote at any Meeting of the said Directors, except the Chairman, and who in case of an Equality of Votes upon any Question which may be agitated at any Meeting, shall have the casting Vote although he may have given One Vote before; and all the Powers and Authorities hereby vested in or directed to be exercised by the said Directors, may be done and exercised by the major Part of them present at their respective Meet-



ings, the whole Number present not being less than Three ; and the said Directors shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions, and the said Directors shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit ; and in order to defray the Expences of their Meetings, the said Directors shall from Time to Time receive out of the said Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such General Assemblies ; and the said Directors shall and may contract for and agree for the Purchase of the Lands, Tenements, or Hereditaments, that may be taken for the Purposes of the said Undertaking, and the Works thereunto belonging, and shall and may settle, adjust, and determine all Matters, Questions, and Differences which shall or may arise between the said Company of Proprietors, and the several Owners of and Persons interested in any Lands, Tenements, or Hereditaments, which shall or may be taken and damaged, or affected by the Execution of any of the Powers hereby granted, and shall and may make Contracts, Agreements, and Bargains, with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and completing and continuing the Works belonging to the said Undertaking, and all and every Part or Parts thereof ; and the said Directors shall (subject nevertheless to the Orders and Directions of such General or Special General Assemblies as aforesaid) have full Power and Authority to direct and manage the Affairs of the said Company of Proprietors ; and the said Directors shall by themselves, or the Clerk to the said Company of Proprietors, keep a full and true Account of all Money disbursed, and Payments made by the said Directors, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of the said Undertaking, from any Collector or Collectors, or other Officer or Officers, or from any other Person or Persons whomsoever, employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly by themselves or their Clerk as aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Minutes or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings, which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Directors, provided always, that any Proprietor shall have free Access thereto, upon every reasonable Desire for his or her Inspection ; and the said Directors shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they the said Directors from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share, and such Calls shall not be made but at the Distance of Thirty Days at least from each other, and Fourteen Days Notice at the least shall be given of all such Calls, provided that it shall not be lawful to make any further Call upon any Proprietor or Proprietors who

Power to  
make Calls.

[Loc. & Per.]

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shall



shall have paid to the said Company of Proprietors in obedience to the said Calls or otherwise, the full Amount of the Sum which by his, her, or their Subscription, he, she, or they had undertaken to pay for his, her, or their said Share or Shares; and every Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Undertaking, shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person or Persons, and at such Time and Place as the said Directors shall from Time to Time order and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by the said Directors, or within Twenty Days next ensuing, he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Two Pounds for every Share he, she, or they shall have in the said Undertaking; and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Call or Calls as aforesaid, for Four Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing, shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors in Trust, for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall at the Discretion of any of the said General or Special General Assemblies, be publicly sold for the Use of the rest of the said Proprietors whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares, until Notice shall have been given to or left at the usual or last Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, provided such Place or Places of Abode shall be known to the Clerk of the said Company of Proprietors, and shall be within Ten Miles of *London* and *Colchester*, nor until the same Share or Shares shall likewise have been declared to be forfeited at some General or Special General Assembly of the said Company of Proprietors.

Subscribers to  
pay their Sub-  
scriptions on  
Calls by the  
Directors.

XXV. Provided always, and be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or shall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and are hereby required to pay the Sum or Sums by them respectively subscribed (or such Parts and Proportions thereof as shall from Time to Time be called for by the Directors of the said Company of Proprietors by virtue of the Powers and Directions of this Act) at such Times and Places and in such Manner as shall be directed by the said Directors; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company of Proprietors are hereby required to sue for and recover the same in any Court of Law or Equity.

Directing the  
Proceedings  
in Actions for  
Calls.

XXVI. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for



for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and alledge that the Defendant or Defendants being an Owner or Owners, Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Water Works, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every One hundred Pounds, or was made within the Distance of Thirty Days from the last preceding Call, or without Notice given as aforesaid; and after Judgment shall be given for the said Company in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein unless such Defendant or Defendants with Two sufficient Sureties shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgment shall be given in Double the Sum adjudged to the said Company by such Judgment to prosecute the said Writ of Error with Effect; and also if the said Judgment shall be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay or Non-execution.

XXVII. And be it further enacted, That if any Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum or Sums to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to without having made Provision by Will or otherwise how and in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner or Owners so dying, or the Trustee or Trustees, Committee or Committees, of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner or Owners, Proprietor or Proprietors, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to compleat every

On the Death of Subscribers Executors may compleat the Payment of their Shares.



every such Subscription; and if such deceased Owner or Owners, Proprietor or Proprietors shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians of any such Owner or Owners, Proprietor or Proprietors, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be an Owner or Owners, Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, Proprietor or Proprietors, on Condition that he, she, or they so admitted, do and shall on or before such Admission pay to the Executors or Administrators of such deceased Owner or Owners, Proprietor or Proprietors, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners, Proprietor or Proprietors, in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted upon such Condition as aforesaid, then and in every such Case such Share or Shares shall be forfeited to and become vested in the rest of the Company of Proprietors in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

XXVIII. And be it further enacted, That it shall and may be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyance of which Shares shall be in the Form, or to the Effect following; (*videlicet*),

Form of Conveyance of shares.

‘ I *A. B.*, in Consideration of paid to me by  
‘ *C. D.* of do hereby bargain, sell, assign, and transfer  
‘ to the said *C. D.* the Sum of Capital Stock of  
‘ and in *The Colchester Water Works*, being Part [*or*, the Whole, *as the*  
‘ Case may be] of my Share [*or*, Shares] in the said Undertaking, to  
‘ hold to the said *C. D.*, his [*or*, her] Executors, Administrators,  
‘ and Assigns, subject to the same Rules, Orders, and Restrictions, and  
‘ on the same Conditions, that I held the same, immediately before the  
‘ Execution hereof; and I the said *C. D.* do hereby agree to take and  
‘ accept the said Capital Stock or Share, subject to the same Rules,  
‘ Orders, Restrictions, and Conditions. As witness our Hands and  
‘ Seals, this Day of .’

And on every such Sale, the said Deed of Conveyance being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk to the said Company of Proprietors shall have entered, in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to



to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

XXIX And be it further enacted, That after any Call of such Money shall have been made by the said Directors as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors in Trust, for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General or Special General Assembly.

No Shares shall be sold after a Call till the Money is paid.

XXX. And whereas in case where the original Subscriber of One or more Share or Shares in the said Undertaking shall die, become insolvent, or Bankrupt, or 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 said Clerk, as directed by this Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share or Shares, in order to give him, her, or them, Notice or Notices of Calls made on such Share or Shares as is hereby required, and to maintain any Action or Actions against him, her, or them, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it further enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk to the said Company of Proprietors to the Intent that he may, and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Clerk; and that in all or any of the said Cases it shall be lawful for the said Company of Proprietors at any General Meeting after Three Calendar Months Notice shall have been given by the said Treasurer or Clerk to the Owners or Persons claiming by such Affidavit to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid; and after Notice thereof shall have been given Three Times at the Intervals of Twenty-one Days between such Advertisement in some Newspaper circulating in the said County of *Essex*, to declare the same Share or Shares to be forfeited;

For ascertaining the Proprietorship.

[Loc. & Per.]

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and



and in such Cases the same shall be and become forfeited and sold, and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the general Fund of the said Company.

Names of Proprietor, and Number of their Shares to be entered in a Book, and Tickets with the Numbers delivered to them.

XXXI. And for the better Security of the several Proprietors of the said Undertaking as to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required at their second or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares in the said Undertaking, with the Number of Shares 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 or Books to be kept by the Clerk to the said Company of Proprietors; and after such Entry made to cause their Common Seal to be affixed thereto, and shall also cause a Certificate or Instrument, 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, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more for every such Certificate or Instrument, and such Certificate or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Instrument shall not hinder or prevent the Owner or Proprietor of any of the said Shares from selling or disposing thereof; and in case any such Certificate or Instrument shall become defaced, worn out, or damaged, or shall be lost or destroyed, then another shall be made out, and entered by the Clerk on the same Terms and Conditions as aforesaid.

Power to make Waterworks, take Land, &c.

XXXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and their Successors, by themselves, their Deputies, Officers, Agents, Servants, Workmen, and Assistants, to make, complete, maintain, and keep Water Works, Reservoirs, Aqueducts, Water Wheels, Fire Engines and other Engines, Pipes, and other Conveniences in the several Parishes, Townships, or Places herein-before mentioned for supplying the same with Water, issuing and proceeding from divers Springs in the Parishes of *Saint Mary at the Wells, Saint Peter and Lenden* in the said Borough, flowing into the River *Colne*, or in Failure thereof from the River *Colne*, by the said Waterworks; and the said Company of Proprietors are hereby fully empowered by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Waterworks, and the said Reservoirs and Aqueducts, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water within the Limits of the said Waterworks herein-before prescribed, and to make such and so many Feeders, Tunnels, and Shafts, and to make, erect, and set up such and so many Stop Gates, Locks, Sluices, Weirs, Catch Drains, Engines, Steam Engines, and other Machines for supplying the said Water Works and the said Reservoirs and Aqueducts with Water, and for any other Purposes for the making, maintaining, and using of such Water Works, Reservoirs, and Aqueducts as they the said Company of Proprietors, or their



their Successors, shall from Time to Time think proper and expedient; and for the better effectuating the Purposes aforesaid, the said Company of Proprietors and their Successors, Agents, Officers, Workmen, and Servants are hereby empowered to go, enter, and pass in, upon, over, under, or through the Lands and Grounds, Brooks, Streams, Waters, Highways, Roads, Passages, Streets, Commons, and all other Lands and Places of or belonging to any Person or Persons, Bodies Politic Corporate or Collegiate whatsoever, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors shall think necessary and proper for making, compleating, maintaining, improving, and using the said Water Works, Reservoirs, and Aqueducts, and all such other Works, Matters, and Conveniences as they shall think necessary for effecting the Purposes aforesaid, and to bore, dig, cut, trench, and sough, and to remove and lay Earth, Clay, Stone, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters or Things which may be dug or gotten in the making of the said Water Works, Reservoirs and Aqueducts, or the Tunnels, Shafts, Trenches, Passages, Sluices, Pens for Water, Gutters, Soughs, Ditches, Drains, Catch Drains or Watercourses, and other the Works of the said Water Works, Reservoirs and Aqueducts, or which may prevent or obstruct the making, compleating, maintaining and using the same, or any of them respectively according to the true Intent and Purport of this Act; and also to construct, make, build, and set up, in or upon the said Reservoirs or Aqueducts, or upon the Lands adjoining to, or lying near the same, such and so many Banks, Bridges, Fords, Tunnels, Shafts, Aqueducts, Pipes, Sluices, Locks, Weirs, Pens for Water, Drains, Catch Drains, Steam Engines, Houses, or other Buildings upon the same, and other Works, for raising and returning Water for the Use of the said Waterworks, Reservoirs, and Aqueducts, and for the conveying of Water from one Level to another, and for all other the Purposes of the said Undertaking, and also to make such Engines, Watch-houses, and other Works, Roads, Ways, and Conveniences, and all such Cisterns, Ponds, Basons, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead, and other Metal Cocks, Chamber Cocks, Cocks in Common, Stock Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Boxes, Mains, Ferrules, Feeders, Fanipers, Drains, Catch Drains, Pumps, Sluices, and all such other Works and Devices, as and wherever the said Company of Proprietors shall think requisite for the several Purposes of this Act, and also from Time to Time to divert, alter, and repair, widen, enlarge, amend, and discontinue the same, and to make and maintain any other Works and Conveniences of or belonging to the said Waterworks, Reservoirs, and Aqueducts respectively, as shall be deemed necessary or proper for the making, erecting, finishing, altering, repairing, amending, maintaining, and using the said Waterworks, Reservoirs, and Aqueducts respectively, and the Works thereof; and for carrying and conveying Articles and Things to and from the said Waterworks, and also to place, lay, manufacture, and work any Materials on the Grounds, where found, or near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done, and also to make, maintain, repair, or alter any Fences or Passages, over, under, or through the said Waterworks, Reservoirs, and Aqueducts, and the Works and Conveniences, which shall or may at any Time or Times hereafter belong to, or communicate therewith, and



and also to make, set out, and appoint such Paths, Banks, and Ways, convenient for passing in, through, alongside, or upon, the said Waterworks, Reservoirs, and Aqueducts, and Feeders, to the said Works for any such Purposes, as they the said Company of Proprietors shall think convenient; and also to dig, take, and carry away for the Use of the said Company of Proprietors any Clay, Soil, Gravel, Sods, or Loam, which may be proper and convenient for making the said Waterworks, Reservoirs, Aqueducts, Steam Engines, or other Works, and also for repairing, supporting, maintaining, and using the same, in, upon, or from any Grounds adjoining or lying contiguous or convenient thereto, and to construct, erect, alter, keep in repair, and use any Works or Buildings in, upon, or across any Creeks or Brooks, for the making, using, or maintaining, the said Waterworks, Reservoirs, Aqueducts, Watercourses, and Feeders, and the Paths on the Sides of the said Works without Impediment, and also to construct, erect, do, and perform all other Matters and Things, which shall be deemed necessary and convenient, for the making, completing, using, preserving, and improving of the said Waterworks, Reservoirs, Aqueducts, and Feeders, and the Works connected therewith, in pursuance and within the true Intent and Meaning of this Act, they the said Company of Proprietors, their Agents, Deputies, Officers, Workmen, and Servants, 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 or Proprietors of, and all Persons interested in any Lands or other Hereditaments, which shall be taken, and removed, diverted, or prejudiced for all Damages, which shall be sustained by such Owners or Occupiers of, and other Persons interested in any Lands and Hereditaments, which shall be taken or used by or on the Behalf of the said Company of Proprietors, or which shall be prejudiced or damaged by being overflowed or otherwise, in surveying, setting out, making, maintaining, altering, repairing, and using the said Waterworks, Reservoirs, Aqueducts, and Feeders, or other Works, or in or by the Execution of any of the Powers of this Act, and this Act shall be sufficient to indemnify the said Company of Proprietors, their Deputies, Servants, Workmen, and all other Persons for what they or any of them shall do, by virtue of the Powers hereby granted.

Houses Gardens, &c. not to be injured.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to 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 Buildings 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 and for a Park, Paddock, Garden, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

Directing where the Plan shall be deposited.

XXXIV. And be it further enacted, That a Map or Plan, similar to that deposited with the Clerk of the Peace for the County of *Essex*, shall immediately after the passing of this Act be deposited with the Town Clerk for the Town and Borough of *Colchester* or his Deputy, and that all Persons interested therein shall at all reasonable Times have Liberty to inspect and peruse the same, and take a Copy thereof, or any Part thereof, paying a reasonable



reasonable Compensation to the said Town Clerk or his Deputy for every such Inspection, and that the said Company shall not make any other Reservoir or Reservoirs, or have any Right or Authority to take any other Land for making any other Reservoir or Reservoirs for the supplying of any Water than the Reservoir or Reservoirs in the said Map or Plan described, nor in making the said Reservoir or Reservoirs more than Twenty Yards of Three Feet each from the Place or Places described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic or Corporate, in or through or upon whose Lands any such Reservoir or Reservoirs shall be erected or made, or on or through whose Lands any such Deviation shall be made.

XXXV. And be it further enacted, That after any Lands, Grounds, or Hereditaments, shall be set out and ascertained for making the said Water Works, Reservoirs, Aqueducts, Feeders, and other Works, or any Part or Parts thereof, or any of them, it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations, Aggregate or Sole, and to and for all Tenants for Life, and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all Husbands, Guardians, Trustees, Feoffees in Trust, for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for or on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons, and for all Femes Coverts, who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower, or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, lease, sell, and convey the same, and every Part thereof to the said Company of Proprietors, and all such Contracts, Agreements, Sale, Conveyance, and Assurance, shall be made at the Expence of the said Company of Proprietors, and such of them as shall be made of any Lands, Tenements, or Hereditaments to the said Company of Proprietors, shall be made according to the following Form :

<p>‘ I A. B. of          ‘ Sum of          ‘ of the annual Rent of          ‘ yielded and paid by Yearly or Half-yearly Payments, as may be agreed          ‘ on] by the Company of Proprietors of the <i>Colchester</i> Water Works,          ‘ do hereby grant and release to the said Company all [describing the          ‘ Premises to be conveyed] and all my Right, Title, and Interest to and          ‘ in the same, and every Part thereof, to hold to the said Company and          ‘ their Successors for ever, by virtue and according to the true Intent          ‘ and Meaning of the Act passed in the Forty-eighth Year of the Reign          ‘ of His Majesty King <i>George</i> the Third, intituled, [<i>here insert the Title</i>          ‘ of this Act] in Witness whereof, I have hereunto set my Hand and Seal,          ‘ this                      Day of                      in the Year of our Lord One          ‘ thousand eight hundred and                      .</p>	<p>in Consideration of the          to me paid [or in Consideration          to me to be hereafter</p>	<p>Form of the          Conveyance to          the Company.</p>
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And if the Premises shall happen to be Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words

[*Loc. & Per.*]

29 X

applicable



applicable to the Assignment of a Chattel, which said Conveyance shall be kept by the Clerk of the said Company of Proprietors, who shall from Time to Time when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive Sixpence for every One hundred Words, of each such attested Copy, and so in Proportion for any greater or less Number of Words.

Company empowered to resell Lands which may not be wanted.

XXXVI. And whereas, in order to carry into Effect the Purposes of this Act, and to avoid Disputes with the Owners of Lands, Grounds, or Hereditaments, which may be affected by making the said Water Works, Reservoirs, Aqueducts and other Works; the said Company of Proprietors may purchase Lands, Buildings, or Hereditaments, not necessary to be made use of for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of and by Indenture under their common Seal, absolutely to grant and convey such Part or Parts of the Lands and Hereditaments, which shall be so purchased by and conveyed to the said Company of Proprietors as aforesaid, and as shall not be wanted for the Purposes of this Act, and also to lay out and appropriate any Part of the said Lands, and Premises, as for a Way or Ways, Avenue or Avenues, Passage or Passages, and that all such Conveyances from the said Company of Proprietors shall be valid and effectual, any Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Rents or Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being, to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Rents, or Premises, shall be sold, or for so much thereof as in such Receipt shall be expressed to be received, and such Person or Persons shall not be answerable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Company of Proprietors before they shall sell and dispose of such Lands or Hereditaments, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case, an Affidavit before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Essex*, by some Person or Persons no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, which shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom it was made as the Case may be.

The Words "Grant, Bargain, and Sell," to operate as Covenants for Title.

XXXVII. And be it further enacted, That all Grants, Demises, and Conveyances to be made by the said Company of Proprietors under or by virtue and in pursuance of the several Powers and Authorities to them hereby given, the Words "Grant, Bargain and Sell" shall amount to and



and be construed and adjudged in all Courts of Judicature to be Express Covenants to the Grantee and Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns from the said Company of Proprietors for themselves and their Successors, that they the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant, Lease, 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 of Proprietors, their Successors and Assigns, and all claiming under them, and all such Purchasers should be indemnified, and saved harmless by the said Company of Proprietors and their Successors.

XXXVIII. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors as the Consideration of any such Sale as aforesaid, or that may be reserved by way of Rent upon any such Leases so to be granted as aforesaid, shall be paid, applied, and disposed of in such and the like Manner as any other Sums of Money arising or to arise from the said Water Works, Reservoirs, Aqueducts, and Feeders, are hereby directed to be paid, applied, and disposed of.

Application of  
Rent and  
Purchase  
Money.

XXXIX. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every Person and Persons who is or are seised, possessed of, or interested in any Lands or other Hereditaments through, in, or upon which the said Water Works, Reservoirs, Aqueducts, Watercourses or Feeders, or other Works hereby authorized and intended to be made, may accept and receive Satisfaction for the Value of such Lands, Grounds and Hereditaments, and for the Damages to be sustained by the making and completing of the said Works herein-before directed, either in gross Sums or by annual Rents (except in Cases of spiritual Persons to whom Compensation for Glebe and Tythes shall be made by annual Rent in Manner herein directed) as shall be agreed upon by and between the said Parties interested respectively, or any of them; and the said Company of Proprietors or their Directors, and in case the said Company of Proprietors, or their Directors, and the Parties interested in such Lands, Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction the same shall be ascertained and settled by the Verdict of a Jury, as is herein directed.

Satisfaction to  
be made.

XL. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, or any Feoffee or Feoffees, in Trust, Executor, Administrator, Husband, Guardian, Trustee, Committee of or for any Lunatic or Idiot, or any Feme Covert, or any Person whether Tenant for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any Sum of Money offered by the said Directors, or any Three or more of them, and shall give Notice thereof in Writing to the Clerk to the said Directors within Four-

If Parties be  
dissatisfied  
with the Di-  
rectors' De-  
termination,  
they may  
cause a Jury to  
be impaneled  
to decide  
the Matter.

teen



teen Days next after the same shall have been made, or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons, shall, upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Feoffee or Feoffees, in Trust, Executor, Administrator, Husband, Guardian, Trustee, Committee of or for any Lunatic or Idiot, or to such Feme Covert, or to such Tenant for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, or other 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 Fourteen Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediments cannot treat for themselves, to make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Fourteen 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 Directors, or any Three or more of them, shall, and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Mayor of the said Town and Borough, in which the Matter in question shall arise; and in case any such Mayor or Deputy Mayor shall be One of the said Company of Proprietors, or enjoy any Office or Place of Profit or Trust under them, or shall be otherwise interested in the Matter in question, then to any One of the Coroners of the said Borough, who shall not be so interested as aforesaid; and in case all the said Coroners of such Borough shall be so interested, then to the last Person who filled the Office of Mayor of such Borough, and who shall not be interested as aforesaid, commanding such Mayor, Coroner, or other Person to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men qualified according to the Laws of this Realm, to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the Justices of the Peace for the Borough of *Colchester* and the Liberties thereof, at some Court of General or Quarter Sessions of the Peace to be holden there, or at some Adjournment thereof 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 Justices are 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 Twelve 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 enquire 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 Recompences to be made for the Damages that shall or may be sustained as aforesaid, and shall assess sepa-



rate Damages for the same, and for any several and separate Interests of any Owners, Tenants, Tenants for Life or Lessees, or Tenants at Will, or any other Interest therein; and the said Justices shall give Judgment for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury, which said Verdict, and the Judgment 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 Politic, 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.

XLI. And be it further enacted, That if the Mayor or other Person, 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 and pay any Sum not exceeding Fifty 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 give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning 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 Fifty 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 so 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  
Mayor to  
summon a  
Jury.

XLII. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath by virtue of this Act, shall wilfully give false Evidence, or otherwise forswear themselves, before any such Jury, or before any Justices of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof, shall be subject and liable to such Pains and Penalties, as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing Per-  
sons guilty of  
Perjury.

XLIII. And be it further enacted, That full Recompense and Satisfaction shall be made by the said Company of Proprietors for all the Tythes both Great and Small of the Lands, which shall or may be taken or made use of by the said Company for the Purposes, and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tythes, in case such Lands had not been so taken or made use of, according to their respective Interests therein, such Tythes to be estimated at the average Value of Seven Years last past, such average Value to be ascertained (in case of any Difference concerning the same) in like Manner, as the Value of any Lands or other Hereditaments is herein directed to be ascertained: Provided always, that the Recompence

For making  
Satisfaction  
for Tythes.



and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tythes belonging to Spiritual Persons, shall be made to such Persons by an annual Rent.

XLIV. Provided always, and be it further enacted, That in case the Works of the said Company shall hereafter be discontinued, the said Company of Proprietors shall make Satisfaction or Compensation to the Owners and Occupiers of all Tythe and Glebe Lands, for the Damage done to the said Land by any Excavations or other Works of the said Company of Proprietors.

Expences of  
Witnesses and  
Jury by whom  
to be paid.

XLV. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or other Hereditaments belonging to any Body or Bodies Politic, Corporate or Collegiate, or to any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands, Tenements, or other Hereditaments, or other Property, than had been previously offered by or on Behalf of the said Company, or their Directors, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by or on Behalf of the said Company, or their Directors, or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand, who may be legally capacitated to enter into a Contract with, and make Conveyances to and receive Compensations from the said Company, as herein mentioned, then and in all such Cases all the Expences of summoning such Jury and taking such Verdict, shall be defrayed by the said Company; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company, or for a less Sum than had been so previously offered, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only; or in case of such Refusal or Neglect to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Company, or their Directors, by any Body or Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise, legally capacitated to treat, or convey, or receive such Compensations as aforesaid, then and in all such Cases the Costs and Expences of summoning such Jury, and taking such Verdict, shall be borne and paid by the Body and Bodies Politic, Corporate or Collegiate, or other Person or Persons with whom the said Company shall have such Concerns, Controversies, or Disputes, which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate or Collegiate, or other Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; and in case no Damages shall be given by such Verdict when the Dispute is for Damages only, such Costs and Expences after being so ascertained and settled as aforesaid, shall and may be recovered by the said Company, by such Ways and Means as are  
herein



herein provided, for the Recovery of any Penalty or Forfeiture incurred by this Act.

XLVI. And be it further enacted, That the said Justices and Juries respectively, in their Awards, Determinations, Judgments, and Verdicts, concerning the Value of Lands and other Hereditaments shall, separately and distinctly proportion off any particular Estate, Terms, or Interests; and also any Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon such Estate, Term, and Interest, and the Money adjudged for such Damages as aforesaid separately and apart from each other.

Determinations by the Justices and Jury concerning the Value of Lands, to be distinct from those relating to Compensation for Damages.

XLVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, or giving good and sufficient Security for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by any Jury or Juries for the Purchase of any such Lands, Tythes, or other Hereditaments, or as a Recompense for any yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned to the Proprietor or Proprietors of such Lands, Tythes, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money, Rent, or Compensation respectively, or to his, her, or their Agent or Agents, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon Payment of the said Sum or Sums of Money into the Bank of *England* (in case the same shall be requisite) in Manner by this Act directed and required for the Use of such Person or Persons so interested or entitled as aforesaid, then, and in every such Case, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender or Security given by Leave of the Owners or Occupiers thereof) and then and there upon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof; and all the Estate, Use, Trust, and Interest of any Person or Persons therein shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever, and such Tender, Payment, Investment, or Deposit, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, 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 to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever interested therein: Provided nevertheless, that before such Payment, Tender, Investment, Deposit, or Security as aforesaid shall be made, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security for the Purpose of making the said Water Works, Reservoirs, Water-courses and Feeders, Aqueducts or Works, or any of them, without the Consent of such Person or Persons respectively.

The Lands are to vest absolutely in the Company upon their either paying or giving Security for Payment of the Value of Land, or Compensation for Damages.

XLVIII. And



Verdicts of the  
Jury to be re-  
corded by the  
Clerk of the  
Peace.

XLVIII. And be it further enacted, That each and every Verdict so given shall be entered up, recorded, and kept, by the Town Clerk of the Borough of *Colchester*, or any Person having the Custody of the Records of the Quarter Sessions for the said Borough of *Colchester*, and shall be deposited with and deemed to be Records of such Quarter Sessions to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any less Number of Words.

Purchase Mo-  
nies, or Com-  
pensations due  
to Corporate  
Bodies, &c.  
to be laid out  
to the same  
Uses, &c.

XLIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or on Behalf of any Lunatics, Idiots, Females Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 of and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of the *Colchester* Water Works, 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 or 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



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.

L. 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 amount to or exceed 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 Privy 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 Three or more of the said Directors (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 Maner 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.

LI. And be it further enacted, That in case the Money payable to such Corporation, or to any Person under any Disability or Incapacity as aforesaid, 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 Hereditaments, in respect whereof the same shall be paid, in such Manner as the said Directors, or any Three or more of them, 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 Directors shall direct the same to be paid, shall be sufficient Discharges for the same.

Application where less than 20 l.

LII. 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 Directors, or any Three or more of them, or in case such Person or Persons to whom such Sum or Sums of Money, so awarded as aforesaid, cannot be found, or if the Person or Persons so entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Directors, or any Three or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid

In case of not making out Titles, &c.

[*Loc. & Per.*]

29 Z

into



Money to be  
paid into the  
Bank.

into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, to be 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 Public 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 and Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Uses 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  
the Money to  
be paid, the  
Person who  
shall be in Possession of the  
Lands, &c.  
at the Time of  
such Purchase  
shall be deemed entitled  
thereunto  
according to  
such Possession,  
&c.

LIII. 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 Privy 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 thereof, 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, in respect whereof such Money shall have been so paid at the Time of passing this Act, 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 any Lands, Tenements, or Hereditaments according to such Possession, until the contrary be shewn to the Satisfaction of the said Court of Chancery; 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 or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

The Court  
may order  
reasonable  
Expences of  
Purchases to  
be paid by the  
Company.

LIV. Provided always, and be it further enacted, That where, by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money of the same, shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court 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, together  
with



with the necessary Costs and Charges of obtaining such Order, to be paid by the said Directors, or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes, as the said Court shall direct.

LV. And be it further enacted, That every Tenant at Will, or Lessee for a Year or Years, or any other Person or Persons in Possession of any such Lands, Tenements, and Hereditaments, or any Part thereof, which shall be purchased, occupied, taken, and used by virtue of and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will, or Lessee for a Year, or from Year to Year, or for Years, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon receiving Three Calendar Months' Notice, to quit such Possession from the said Company of Proprietors, signed by the said Directors, or any Three or more of them, or by the Clerk to the said Company of Proprietors for the Time being, or by the Person or Persons so authorized by them, to take such Possession; and such Person or Persons in Possession shall at the End of the said Three Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenants holding or not, or as soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company of Proprietors, or the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, (all reasonable Satisfaction being first made or tendered), it shall be lawful for the Directors of the said Company, or any Three or more of them, to issue their Precept or Precepts to the Mayor of the said Borough, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Mayor is hereby required by his usual Officers, in the Manner accustomed in the said Borough in Suits in Ejectment, and to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants at Will to deliver Possession at Notice.

LVI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the principal Money and Interest due thereon, together with the Amount of Three Calendar Months' Interest on the said principal Money by the said Company of Proprietors, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors, or from such Person or Persons as they shall appoint, that they will pay off and discharge the principal Money and Interest, which shall be due on the said Mortgage or Mortgages at the End or Expiration of Three Calendar Months, to be computed from the Day of giving such Notice, that then at the End of the said Three Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee

Mortgagees to convey.



Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company of Proprietors, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect, or refuse to convey or assign as aforesaid, then upon Payment of the principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Three Calendar Months, from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed, in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages to all Interests and Purposes whatsoever.

Respecting the  
Supply of  
Water.

Persons upon  
agreeing with  
the Company  
may open  
Ground and  
lay Pipes to  
the Mains laid  
by the Com-  
pany.

LVII. And be it further enacted, That such of the Inhabitants of the several Parishes, Townships, Hamlets, and Places aforesaid, and all such other Persons as shall be desirous of having Water from the said Water Works laid into their Houses, Buildings, or other Premises may and are hereby authorized and empowered at their own Expence (having first obtained the Consent in Writing under the Hand of such Person as shall be authorized by the said Company of Proprietors or their Directors to give such Consent) and with the Consent of the Owners of the Premises through which the Pipes shall be conveyed, to open the Ground between the Company's Aqueducts or Main Pipes, and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay any Leaden Pipe or Pipes (the Bore thereof to be ascertained by the said Company) from such respective Houses, Buildings, or other Premises to communicate with the said Aqueducts or Main Pipes, such respective Inhabitants paying to the said Company of Proprietors yearly, half yearly, or quarterly, such Rate or Rates or Sum or Sums of Money for such Water as shall be mutually agreed upon between them; and in case of Default in Payment of any such Rate or Rates, Sum or Sums of Money to be paid as aforesaid, it shall be lawful for the said Company of Proprietors to cause the Pipe or Pipes belonging to the Person or Persons making such Default and communicating with the Aqueducts and Main Pipes belonging to the said Company of Proprietors to be separated from the same Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the House, Building, or other Premises of every Person making such Default; and that the Rate or Rates, Sum or Sums of Money which shall be due and in arrear from such Person or Persons to the said Company of Proprietors shall and may be recovered by the said Company of Proprietors by Distress and Sale of the



Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved in Common Demises may by Law be recovered; and if any Person shall lay, or cause to be laid, any Leaden or other Pipe to communicate with any such Aqueduct or Main Pipe belonging to the said Company of Proprietors, without such Consent being obtained as aforesaid, every such Person shall forfeit and pay to the said Company of Proprietors and their Successors, any Sum not exceeding Five Pounds for every Day such Pipe shall so remain: Provided always, that all and every Person and Persons who shall have laid any Leaden Pipe or Pipes as aforesaid, shall be at liberty to remove and take away such Pipe and Pipes and the Cock or Cocks to such Pipe and Pipes belonging.

LVIII. Provided always, and be it enacted, That when and as often as any Ground or Pavement shall or may be opened or broken up either by the said Company of Proprietors, or by any other Person or Persons, for laying, taking up, or repairing any Aqueduct or Main Pipe or Communication Pipe by virtue of this Act, then and in every such Case, the said Company of Proprietors, or other Persons respectively, shall fill or cause to be filled in such Ground, and also with all convenient Speed cause the said Pavement to be repaired and amended, and the Rubbish occasioned by the opening or breaking up the same, to be carried away as soon as conveniently may be, and in the mean Time to cause such Ground to be fenced or guarded, so that the same may not be dangerous to Passengers or Cattle: Provided always, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of the Agents or Servants of the said Company of Proprietors, or in any such other Person or Persons, in laying, taking up, or repairing any of the said Aqueducts, or Main Pipes, or any of the said Communication Pipes, or in filling in such Ground, or removing the Rubbish thereby occasioned, or in repairing the said Pavement as aforesaid, then and in every such Case the said Company of Proprietors, or such other Persons so offending respectively, shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

Where Ground is broken up for laying Pipes, it is to be filled again as soon as possible.

LIX. And, in order to preserve the Water clean and wholesome, be it further enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Water-way, Feeder, or Pond, made, maintained, or supported by virtue of this Act, or wash any Dog or other Animal therein, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, or wash or cleanse any Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animals, or any noisome or offensive Thing in any such Reservoir or Aqueduct, Water-way, Feeder, or Pond, or cause or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into any such Reservoir, Aqueduct, Water-way, Feeder, or Pond, or cause any other Annoyance to be done to the Water, contained in any such Reservoir, Aqueduct, Water-way, Feeder, 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 for every such Offence, any Sum not exceeding Ten Pounds, nor less than Five Pounds.

For preserving the Water clean and wholesome.



For hindering  
Persons sup-  
plied with  
Water from  
supplying  
others, and  
for prevent-  
ing the wilful let-  
ting off the  
Water.

LX. 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, without the previous Consent of the said Company of Proprietors, 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 Company of Proprietors, any Sum not exceeding Five Pounds nor less than Forty Shillings; and it shall and may be lawful to and for the said Company of Proprietors, if they shall so think fit, to take or cut off the Water so supplied by the said Company, from the House, Building, or other Premises, of the Person or Persons so offending.

Except in cer-  
tain Cases.

LXI. Provided nevertheless, and be it 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 Person or Persons whomsoever with any Quantity of Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks, belonging to any Person or Persons supplied with Water by the said Company of Proprietors, shall or may happen to be out of Repair, such Pipe or Pipes, Cock or Cocks, nevertheless being repaired as soon as may be after any Damage shall happen thereto.

For enabling  
the Company  
to enter Pre-  
mises to see  
that there is  
no Waste of  
Water.

LXII. And be it further enacted, That it shall and may be lawful to and for any Engineer, or any other Person or Persons acting by or under the Authority of the said Company of Proprietors, or of their Directors, at any Time or Times between the Hours of Ten in the Forenoon and Four in the Afternoon, to enter into any House, Building, or other Premises, supplied with Water by the said Company of Proprietors, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company of Proprietors; and if such Engineer or other Person acting by or under the Authority of the said Company of Proprietors, or their Directors, shall at any Time or Times between the Hours of Ten in the Forenoon and Four in the Afternoon, be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to cut and turn off, or cause to be cut and turned off, the Water supplied by the said Company of Proprietors from such House, Building, or other Premises.

Cisterns to be  
provided.

LXIII. And to prevent as much as possible the wilful and negligent Waste of Water, be it therefore enacted, That each and every Person supplied with Water by the said Company of Proprietors shall, and he, she, and they, is and are hereby required to provide a proper Cistern or Cisterns of Lead, Brick, Wood, or other Materials, to receive and hold such Quantity of Water as shall be by him, her, or them deemed sufficient for his, her, or their Consumption, and he, she, and they is and are hereby required to provide a Ball and Stop Cock, and to affix or cause to be affixed the same to the Pipe conducting



conducting the Water from the Main belonging to the said Company of Proprietors to such Cistern or Cisterns for the Purpose of preventing the Water running to waste when the same shall be full; and in case any Person or Persons supplied with Water by the said Company of Proprietors shall neglect to provide such Cistern or Cisterns, and also a Ball and Stop Cock, and to affix or cause to be affixed the same in Manner aforesaid, for the Purpose of preventing the Water from running in waste when such Cistern or Cisterns shall be filled as aforesaid, it shall and may be lawful to and for the said Company of Proprietors or their Directors, or any Person or Persons acting by virtue of or under the Authority of the said Company of Proprietors, to cut and turn off the Water, by such Ways and Means as to him or them shall seem right or proper, from the House, Building, or other Premises of every such Person, until such Cistern or Cisterns, and Ball and Stop Cock shall be provided, and such Ball and Stop Cock added in Manner aforesaid.

LXIV. And be it further enacted, That any Person occupying any House, Messuage, Tenement, or Hereditament, at their own Cost and Charge laying on Pipes to receive Water from the said Water Works, or purchasing the said Pipes, on quitting the same within Three Months after obtaining the said Supply, in all and every such Case the ensuing Tenant or Landlord shall allow or pay to the Tenant quitting the same Two Thirds in Value of the Cock, Pipe, and other necessary Apparatus for supplying the said House, Messuage, Tenement, or Hereditament with Water, provided the same is in good and substantial Repair, and so in like Manner by every succeeding Tenant and Landlord; and if the succeeding Tenant taking the Premises refuses to pay the aforesaid Sum to the quitting Tenant, in such case he is hereby authorized to deduct the Sum from his Rent, or recover the same from his Landlord by Action or Suit in any of His Majesty's Courts of Law.

Tenant's  
laying Pipes to  
be repaid Part  
of their Ex-  
pences on  
quitting the  
same.

LXV. And be it further enacted, That if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Water Works, Reservoirs, Aqueducts, Watercourses, or Feeders, to be made by virtue of this Act, or shall wantonly or unnecessarily open, or cause to be opened, any Lock, Gate, Paddle, Valve or Clough belonging to the said Water Works, or shall snare, angle, or take any Fish out of the same, or wash or bathe therein, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Water Works, or shall leave open and running any of the said Valves or Cloughs belonging to the same, or shall draw or cause to be drawn, any Paddle, Valve, or Clough, in any of the Locks, Stop or Clew Gates on the said Water Works 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, every Person offending in any of the Cases aforesaid, shall forfeit and pay for every such Offence, any Sum not exceeding Twenty Pounds, nor less than Five Pounds.

Penalty on  
Persons open-  
ing Locks or  
doing other  
Damage to the  
Waterworks.

LXVI. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously break, throw down, or destroy any Bank or Banks or other Works erected, made, or maintained by virtue of this Act, then and in every such Case every such Person shall be judged guilty of

Punishment  
for destroying  
Works.



of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for Seven Years, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Petty Larceny.

Fines and  
Forfeitures  
how to be re-  
covered and  
applied.

LXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law, to be made in pursuance thereof, the Manner of levying and Recovery whereof is not particularly herein directed, shall, in case of Non-payment thereof, on Conviction of the Offender or Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace, for the Borough of *Colchester*, wherein the Offence shall be committed, or the Offender shall be or reside, which Warrant such Justice is hereby empowered and required to issue, upon the Confession of the Party or Parties, or upon the Evidence of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer) and all Fines, Forfeitures, and Penalties, (the Application whereof is not herein particularly directed) shall be paid into the Hands of the Treasurer of the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained, and for want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture, shall not be forthwith paid, it shall be lawful for such Justice by Warrant under his Hand and Seal to commit such Offender to the Common Gaol or House of Correction of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXVIII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or against any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Form of Con-  
viction.

BE it remembered, That on this \_\_\_\_\_ Day of \_\_\_\_\_  
in the \_\_\_\_\_ of the Reign of \_\_\_\_\_  
A. B. is convicted before \_\_\_\_\_ of His Majesty's  
Justices of the Peace for the \_\_\_\_\_ of having  
[as the Offence shall be] and I [or we] the said  
do adjudge him [her or them] to forfeit and pay for the same the Sum  
of \_\_\_\_\_ Given under my Hand and Seal [or our Hands  
and Seals] the Day and Year aforesaid.

Appeal.

LXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors or Directors, or by any Order, Judgment, or De-  
termination



termination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in every such Case such Person or Persons may within Six Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Session of the Peace, to be holden in and for the Borough of *Colchester* (first giving Fourteen Days' Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said Borough, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon); and the said Justices shall in a summary Way either hear and determine the said Appeal at such General or Quarter Sessions, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for the said Borough, and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order the Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

LXX. And be it further enacted, That no Order, Verdict, Judgment, Conviction, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings  
not to be  
quashed or  
removed by  
*Certiorari*.

LXXI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Information, Summons, Conviction, Warrant of Distress or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not to  
be unlawful  
for want of  
Form.

LXXII. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought, and in case no such Tender shall have been made, it shall and may be lawful to and for the

Plaintiff not to  
recover with-  
out Notice, or  
after Tender  
of Amends.

[*Lcc. & Per.*]

30 B

Defendant



Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment, shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of  
Actions.

LXXIII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of the Damages, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County or Place where the Matter in Dispute, or Cause of Action shall arise and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, and if any such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Public Act,

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

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