



ANNO SEPTIMO

# GEORGII IV. REGIS.

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## *Cap. cix.*

An Act for supplying with Water the Town and  
Neighbourhood of *Birmingham* in the County of  
*Warwick*. [26th May 1826.]

**W**HEREAS a sufficient and constant Supply of good and wholesome Water, for domestic, manufacturing, and other Purposes, would be of great Advantage to the Inhabitants of the Town of *Birmingham*, and the Parishes, Hamlets, or Places of *Birmingham*, *Aston*, *Duddeston*, *Duddeston* and *Nechells*, and *Edgbaston*, all in the County of *Warwick*: And whereas many Parts of the said Town, Parishes, Hamlets, or Places are become very populous, and have greatly increased and are increasing in Houses, Manufactories, and other Buildings; and in Cases of Accident by Fire it is of great Importance that there should be an adequate Supply of Water, in order to prevent the Destruction of Property and Life: And whereas the erecting and making of One or more Reservoir or Reservoirs and other Works at or near to a certain Bridge called *Salford Bridge* in the Parish of *Aston* aforesaid, and also at or near to a certain Place called *Parrott's Folly* in the Parish of *Edgbaston* aforesaid, with proper Cuts, Channels, or Aqueducts for supplying the said Reservoir or Reservoirs and other Works with Water, for the Use of the Inhabitants of the said Town, Parishes, Hamlets, or Places, from the River *Tame*, and from a certain Brook near *Salford Bridge* aforesaid called *Hawthorn Brook*, would tend to promote  
[Local.] 35 M the



Subscribers  
incorporated.

the beneficial Purposes before mentioned : And whereas the several Persons herein-after mentioned are desirous, at their own Costs and Charges, to effect the Purposes aforesaid ; but the same cannot be carried into execution without the Aid and 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 *Thomas Attwood, W. C. Alston, John Aspley, George Attwood, Isaac Anderton, Joseph Gregory H Anderson*, the Executors of *Henry Blyth* deceased, *Frederick Blyth, George Bragg, Thomas Beale, Benjamin Cook*, Reverend *Charles Curtis Clerk, Thomas Cooper, William Cooper*, Reverend Doctor *Colston, James Deykin, Thomas Docker, John Dester, John Dorrington, James Dransfield, Francis Deakin, Samuel Fletcher*, Messieurs *Freer, Rotton, Lloyd, and Company, James Foster, Richard Gale, Michael Goodall, Charles Grafton, William Harding, Thomas Hensman, John Hardman, Charles Hancock, Isaac Hill, Owen Johnson, Henry Jacob, Joseph Frederick Ledsam, Edward B Lovell, Thomas Mole, John Newbold, Thomas Onion, John Ottley, Robert Page, Josiah Pumfrey, William Phipson, Joseph Weatherley Phipson, Thomas Potts, William Pinches, Jacob Pope, Thomas Lane Parker, William Rogers, Frederick Francis Shore, Joseph Shore, Joseph Shore junior, Richard Spooner, John Sharp, Joshua Scholefield, Joseph Stock, Charles Shaw, Joseph Taylor, John Taylor, Thomas Tyndall, John Vale, Henry Van Wart, Edward Varnish, Joseph Walker, Samuel Williams, Robert Inwood Witheridge, John Walford, Samuel Allen Wheeler, Jonathan Worthington, William Yates*, and all and every other Person and Persons, Body and Bodies Politic and Corporate, who shall hereafter become a Subscriber or Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby incorporated into a Company for the making, completing, and maintaining the Waterworks, Aqueducts, Reservoirs, and other Works necessary for the Purposes of this Act authorized to be made, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be One Body Politic and Corporate, by the Name of "The Company of Proprietors of the *Birmingham Waterworks*," and by that Name shall have 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 and hold 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 Statutes of Mortmain, and to enter into Contracts, Bonds, and other Assurances for carrying this Act into execution.

The whole  
of the Money  
to be sub-  
scribed before  
putting the  
Act into  
execution.

II. And whereas the probable Expense of carrying the Purposes of this Act into execution will, according to an Estimate thereof made, amount to the Sum of One hundred and sixteen thousand nine hundred and twenty-five Pounds, and the Sum of Ninety-three thousand seven hundred Pounds, being more than Four Fifth Parts thereof, hath already been subscribed by several Persons under a Contract, binding themselves, their Heirs, Executors, and Administrators, for the Payment of the several Sums so subscribed by them respectively : Be it therefore enacted, That the whole of the said Sum of One hundred and sixteen thousand nine hundred and twenty-five Pounds shall be subscribed in like

Manner



Manner before any of the Powers granted by this Act shall be put in force.

III. And be it further enacted, That the Capital or Joint Stock of the said Company shall consist of the Sum of One hundred and twenty thousand Pounds, and it shall be lawful for the said Company to raise and contribute the same among themselves in such Proportions as they shall think proper; and such Sum of Money shall be laid out and applied, in the first place, in discharging the Expenses of procuring and passing this Act, and of the Surveys, Plans, Estimates, and other incidental Expenses relating thereto, and for and towards the making, completing, and maintaining the said Aqueducts and Reservoirs and other Works and Conveniences thereto, and for otherwise carrying the several Purposes of this Act into execution; and the said Sum of One hundred and twenty thousand Pounds shall be divided into Shares of Twenty-five Pounds each, and such Shares shall be and the same 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 Successors, Executors, Administrators, and Assigns, and to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally subscribe and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons whosoever, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for any Share or Shares, or such Sum or Sums of Money as shall be called for and 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 proportional Part according to the Money so by them respectively paid of the Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company 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 proportional Sum towards carrying on the same in manner herein directed.

The Com-  
pany may  
raise a Sum  
not ex-  
ceeding  
120,000*l.*  
in Shares of  
25*l.* each.

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

Shares to be  
Personal  
Estate.

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 for any Five Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall have One Vote at every General Assembly of the said Company; and any Person who shall have subscribed for Ten and not exceeding Fourteen Shares in the said Undertaking shall have Two Votes; and every Person who shall have subscribed for Fifteen and not exceeding Nineteen Shares in the said Undertaking shall have Three Votes; and every Person who shall have subscribed for Twenty and not exceeding Twenty-four Shares in the said Undertaking shall have Four Votes; and every Person who shall have subscribed for Twenty-five and not exceeding Twenty-nine Shares in the said Undertaking shall have Five Votes; and every Person who

Directing  
how Proprie-  
tors shall  
vote.



who shall have subscribed for Thirty Shares and not exceeding Thirty-four Shares in the said Undertaking shall have Six Votes; and so on progressively to Ten Votes, after which no greater or additional Number of Votes shall be allowed in respect of any greater or additional Number of Shares which any Person may hold in the said Undertaking; which Vote or Votes may be given by them, him, or her in Person, or by their, his, or her Proxy or Proxies constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand or Hands of the Person or Persons appointing the said Proxy, every Person to whom any such Proxy shall be given 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 General and Special General Assembly of the said Company shall be determined by the Majority of Votes and Proxies then present in the Proportion herein-before mentioned, provided that the Members present or voting by Proxy be possessed of not less than Five hundred Shares; provided nevertheless, that no Person shall give or deliver in or vote in respect of Proxies for more than Fifty Shares; and the Appointment of such Proxy may be according to the Form following; (that is to say,)

Form of  
Proxy.

‘ I *A. B.* of *One of the Proprietors of the*  
 ‘ *Birmingham Waterworks*, do hereby nominate and appoint *C. D.*  
 ‘ of *to be my Proxy, in my Name and in my*  
 ‘ Absence to vote or give my Assent to or Dissent from any Business,  
 ‘ Matter, or Thing relating to the said Undertaking at any General or  
 ‘ Special General Meeting of the said Company, in such Manner as the  
 ‘ said *C. D.* shall think proper, according to his Opinion and Judgment,  
 ‘ for the Benefit of the said Undertaking, or anything appertaining  
 ‘ thereto. In witness whereof I have hereunto set my Hand or Seal, the  
 ‘ Day of .’

Proprietors  
not to vote  
unless pos-  
sessed of  
their Shares  
Three  
Calendar  
Months,  
on pain of  
forfeiting the  
Shares.

VI. Provided always, and be it further enacted, That from and after the First Day of *January* One thousand eight hundred and twenty-seven no Proprietor shall be qualified to vote, by himself or herself, or by Proxy, who shall not have been possessed of the Share or Shares in respect of which he or she claims to vote, and have been entered in the Books of the said Company as Possessor and Proprietor of such Share or Shares, for the Space of Three Calendar Months before such Meeting, unless the same shall have come to him, her, or them by Death or Marriage; and if any Person shall vote by himself or herself or by Proxy at any General or Special General Assembly in right of any Share or Shares which he, she, or they shall not have possessed or which shall not have been so entered for the said Three Calendar Months, he or she shall for every such Offence forfeit the said Share or Shares to the Use of the said Company, unless such Share or Shares shall have come by Death or Marriage as aforesaid, and unless it shall appear that it shall have been owing to the Default of the Clerk of the said Company that the Party so claiming to vote as aforesaid has not been entered in the Books of the said Company as herein directed, or to the Default of any other Person other than the Party so claiming to vote as aforesaid; provided also, that no Proprietor shall be entitled to vote for any Share, either



either in Person or by Proxy, unless he or she shall be possessed of the same *bonâ fide* in his or her own Right, and not in the Right of any other Person whomsoever, upon pain of forfeiting such Share or Shares to the Use of the said Company; provided nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or disqualify any Executor or Administrator or Devisee in Trust who as such shall become possessed of or entitled to any Share in the said Undertaking from voting in respect thereof, in case he, she, or they be pecuniarily interested therein, at any General or Special General Assembly, either in Person or by Proxy as aforesaid.

VII. 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 Expenses relating thereto, and the said Company shall be desirous of raising an additional Sum of Money, it shall be lawful for the said Company to borrow and take up at Interest any such further or additional Sum, not exceeding the Sum of Thirty thousand Pounds, on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and other Sums of Money arising or to arise to the said Company 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 so to be borrowed,) as a Security for any Sum of Money so to be borrowed, with Interest, to such Person or Persons, or to his or their Trustee or Trustees, as shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company in the Form or to the Effect following; (that is to say,)

Power to raise a further Sum, if necessary, not exceeding 30,000*l.*

‘ **B**Y virtue of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [here insert the Title of this Act], we, the Company of Proprietors of the said Undertaking, in consideration of the Sum of \_\_\_\_\_ to us in hand paid by *A. B.* of \_\_\_\_\_ do hereby bargain, sell, and assign unto the said *A. B.* 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.* 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 \_\_\_\_\_.

Form of Mortgage.

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportions of the said Sums and Premises according to the respective Sums in such Assignments respectively mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments or any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, or other Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed and Rate of Interest, shall within

[Local.]

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Thirty

Mortgages  
may be  
transferred.

Thirty Days from the Date of every such Assignment be entered into some Book or Books to be kept by the Clerk to the said Company for that Purpose, 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 Assignments 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,)

Form of  
Transfer.

‘ I *A.B.* of \_\_\_\_\_ in consideration of the Sum  
‘ of \_\_\_\_\_ paid by *C.D.* of \_\_\_\_\_  
‘ do hereby transfer a certain Mortgage made by the Company of  
‘ Proprietors of the *Birmingham 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 \_\_\_\_\_.

And every such Transfer shall within Twenty-one Days after the Date thereof be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for every which Memorial the said Clerk shall be paid such Sum as the said Company 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, or Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person 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 Profit or other Interest or Dividends due to the said Company, or any of them, shall be paid, made, or divided: 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 of the said Company, 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  
Mortgage.

IX. Provided always, and be it further enacted, That no Sum of Money so lent or advanced on Mortgage shall be paid off or discharged (save and except with the Consent of the Person or Persons so lending and advancing such Sum of Money, or of his, her, their Assignee or Assignees,) unless Six Months previous Notice under the Common Seal of \_\_\_\_\_



of the said Company shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, or to his, her, or their Assignee or Assignees, 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.

X. And be it further enacted, That the First General Assembly of the said Company shall be holden at the *Royal Hotel* in *Birmingham* upon the First Day of *August* after the passing of this Act, or as soon after as conveniently may be, at the Hour of Eleven in the Forenoon; and all future General Assemblies of the said Company (except such General Assemblies as herein-after mentioned) shall be holden in the Third Week in the Months of *February* and *August* and in every Year, at the Hour of Eleven in the Forenoon, at such Place or Places as the said Company at their preceding General Assembly shall from Time to Time direct and appoint, of which said future General Assemblies Twenty-one Days previous Notice at least shall be given by public Advertisements to be inserted in some *Birmingham* Newspaper and in One *London* public Newspaper, or in such other Manner as the said Company at their respective General Assemblies shall direct; and at such General Assemblies it shall be the Duty of the Directors of the said Company (appointed as herein-after mentioned) 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 said Company by the Clerk, and a Copy of the same shall 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.

First and  
other General  
Assemblies.

XI. Provided always, and be it further enacted, That where any Share in the said Undertaking shall be held by Two or more Persons as joint Proprietors, the Proprietor whose Name shall stand first in the Books of the said Company in respect of such joint Share shall alone be entitled to vote by himself or his Proxy at any such General or Special General Assembly as aforesaid.

How joint  
Proprietors  
are to vote.

XII. Provided always, and be it further enacted, That in case any Proprietor of the said Company entitled to vote at any such Meeting shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting by his or her Committee or any One of such Committee, and such Minor shall and may vote by his or her Guardian or any One of such Guardians; provided that any such Committee or Guardian may also vote in right of his own Shares as well as by reason of his being Committee of any Lunatic or Guardian of any Minor on the same Occasion.

Lunatics, &c.  
may vote by  
their Com-  
mittees.

XIII. And be it further enacted, That the said Company shall at their First General Assembly, or at any Adjournment of the same, nominate and appoint by Ballot Nine Persons of and out of the said Company who shall be Directors for conducting the Business of the said Undertaking until the General Assembly of the said Company to be holden in the Third Week in the Month of *February* then next ensuing; but no Person shall be capable of being chosen or of serving as such Director unless

Directors to  
be chosen.



unless he shall hold and be possessed of Ten Shares at the least in the said Undertaking, and shall have been possessed thereof for the Space of Three Calendar Months next before such Election.

Chairman to  
be appointed.

XIV. And be it further enacted, That the said Company at their General and Special General Assemblies shall and may appoint some Person of and out of the said Company to be Chairman, and such Chairman shall and may not only vote as a Proprietor or Proxy, but in case of any Equality of Votes shall and may have the decisive or casting Vote.

Subsequent  
Appointment  
of Directors  
in the Room  
of those  
going out of  
Office by  
Rotation.

XV. Provided always, and be it further enacted, That the Directors so nominated and elected as aforesaid, or the Person or Persons elected in their Room or Stead by virtue of this Act, shall continue in Office until the First General Assembly to be holden in the Month of *February* next after such Election, and on such Day Three of the said Directors shall go out of Office and cease to be Directors of the said Company; and in order to determine which of the said Directors shall go out of Office and cease to be Directors of the said Company, the Clerk of the said Company, at the General Assembly of the said Company to be holden on that Day (or some Adjournment thereof), shall and he is hereby required to write upon Nine distinct Pieces of Paper of equal Size the Names 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 Three of such Papers shall be drawn out of such Box or Wheel by such Clerk One by One, and the Three Directors whose Names shall be put upon such Papers respectively so drawn out shall go out of Office and cease to be Directors of the said Company; and the said Company shall then elect by Ballot as aforesaid Three Members of the said Company, who shall severally be possessed of and entitled to Ten Shares at the least in the said Undertaking, and such Three Persons so elected shall continue in Office for the Space of Twelve Months (except in case of Death, or Refusal to act, or ceasing to be qualified, or being disqualified in manner by this Act directed, or being removed or displaced by the said Company at any General or Special General Assembly convened for that Purpose), and no longer; and in the Third Week in the Month of *February* Three more of the Directors first elected by virtue of this Act as Directors, or the Person or Persons elected in his or their Room or Stead, shall go out of Office and cease to be Directors of the said Company; and in order to determine which of such Three Directors shall go out of Office and cease to be Directors of the said Company, the Clerk of the said Company, at the General Assembly of the said Company to be holden on that Day (or some Adjournment thereof), shall and he is hereby required to write upon Nine distinct Pieces of Paper of equal Size the Name of each of such of the Directors on each of the said Papers, and all such Papers shall be rolled up in the said Form, as near as may be, and be put into a Box or Wheel by such Clerk, and Three of such Papers shall be then drawn out of the Box or Wheel by such Clerk One by One, and the Directors whose Names shall be upon such Papers respectively so drawn shall go out of Office and cease to be Directors of the said Company; and the said Company shall then elect by Ballot as aforesaid Three Members of the said Company, qualified as aforesaid, to be Directors of the said Company



Company in the Room or Stead of such Three Directors, and such Three Directors so elected shall continue in Office for the Space of Twelve Months (except in Cases of Death, or Refusal to act, or ceasing to be qualified, or being disqualified in manner by this Act directed, or being removed or displaced as aforesaid), and no longer; and in the Third Week in the Month of *February* then next the Three remaining Directors first elected by virtue of this Act, or the Person or Persons elected in his or their Room or Stead, shall go out of Office and cease to be Directors of the said Company; and the said Company shall at their General Assembly to be holden on that Day, or some Adjournment thereof, elect by Ballot as aforesaid Three Members of the said Company to be Directors of the said Company in the Room or Stead of such Three Directors going out of Office as last aforesaid; and such Nine Persons so elected shall continue in Office for the Space of Twelve Months (except in case of Death, or Refusal to act, or ceasing to be qualified, or being disqualified in manner by this Act directed, or being removed or displaced as aforesaid), and no longer; and in the Third Week of the Month of *February* in each and every Year Three Persons out of the Members of the said Company, qualified as aforesaid, shall be elected by Ballot as aforesaid by the said Company to be Directors of the said Company, and such Persons so elected shall continue in Office for the Space of Twelve Months (except in case of Death, or Refusal to act, or ceasing to be qualified, or being disqualified in manner by this Act directed, or being removed or displaced as aforesaid), and no longer: Provided always, that it shall be lawful for the said Company again to nominate and appoint any such Person so qualified as aforesaid, and going out of Office, again to be a Director of the said Company; and at all Meetings of the said Directors some Member present at some Meeting shall be elected Chairman thereof, and in case of an Equality of Votes (including such Chairman's Vote) such Chairman shall or may have the casting Vote.

XVI. Provided also, and be it further enacted, That in case in any such Third Week in the Month of *February* in any Year no such Nomination and Appointment of such Directors shall be made, then and in every such Case another Meeting of the said Company shall be holden within Twenty-one Days after such Third Week as aforesaid, for the Purpose of making such Election; and in case no such Nomination and Appointment of such Directors shall be then made, then and in every such Case another Meeting of the said Company shall be holden within Twenty-one Days from such last-mentioned Day of Meeting, for the Purpose of making such Election, and so *toties quoties* until such Directors shall be chosen, but such Directors shall not continue in Office or be Directors of the said Company for any longer Space of Time than if they had been elected in the said Third Week in the Month of *February* as aforesaid.

In case Directors are not appointed on the Day mentioned, another Meeting to be had for that Purpose.

XVII. And be it further enacted, That in case any Person nominated and appointed by the said Company to be a Director of the said Company shall die, resign, or neglect or refuse to act, or become incapable of acting in the Execution of this Act, for the Space of Three Months respectively, or who shall not be or shall cease to be entitled to Ten Shares (at the least) in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, or shall be otherwise disqualified as herein mentioned, then and in every such Case it shall be lawful for the said Company to nominate and appoint, at some

Appointment of Directors in room of those who shall die.



General or Special General Assembly of the said Company, some Person, qualified as aforesaid, to be a Director of the said Company in the Room or Stead of such Director so dying, refusing, or becoming incapable to act, or ceasing to be so qualified, or holding any Place, Office, Employment, or Contract under the said Company; 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 as a Director for such Time, and no longer, as the Director in whose Room or Stead he shall be so nominated and appointed would have continued in Office.

Power to  
elect  
Auditors.

XVIII. And be it further enacted, That the said Company of Proprietors shall at their said General Assemblies, or at any Adjournment thereof, nominate and appoint by Ballot Three Persons out of the said Company, and not being Directors of the said Company, who shall be Auditors of the Accounts of the said Company, and such Persons shall continue in Office until the next General Assembly of the said Company to be holden in the Third Week in the Month of *February* then next ensuing; but no Person shall be capable of being chosen or of acting as such Auditor unless he shall hold and be possessed of Ten Shares at least in the said Undertaking.

Appointment  
of Auditors  
in the Room  
of those  
going out of  
Office by  
Rotation.

XIX. Provided always, and be it further enacted, That the said Auditors so elected, or the Persons elected in their Room or Stead, by virtue of this Act, shall continue in Office until the said General Meeting in the Third Week in the Month of *February* aforesaid, and on such Day One of the said Auditors shall go out of Office, and cease to be an Auditor of the Accounts of the said Company; and in order to determine which of the said Auditors shall go out of Office and cease to be an Auditor of the Accounts of the said Company, the same Proceedings shall be had as are herein-before directed with respect to the electing the Directors of the said Company, and so on each succeeding Meeting in the Third Week in the Month of *February* as aforesaid, until each of the said Auditors so elected shall have gone out of Office; and in the Third Week in every succeeding Month of *February* in each and every Year One of the Members of the said Company, qualified as aforesaid, shall be elected by Ballot as aforesaid by the said Company to be an Auditor of the Accounts of the said Company, and such Person so elected shall continue in Office for the Space of One Year (except in case of Death, or Refusal to act, or ceasing to be qualified, or becoming disqualified in manner by this Act directed, or being removed or displaced as herein mentioned,) and no longer: Provided always, that it shall be lawful for the said Company again to nominate and appoint any such Person so qualified as aforesaid, and going out of Office, to be an Auditor of the Accounts of the said Company.

In case an  
Auditor is  
not elected  
on the Day  
mentioned.

XX. Provided also, and be it further enacted, That in case in any such Third Week in the Month of *February* in any Year no such Nomination and Appointment of such Auditor shall be made, the same Provisions which are herein-before enacted in respect of electing the Directors of the said Company shall take effect with respect to the Election of the Auditors of the said Company.

Appointment  
of Auditors  
in the Room

XXI. And be it further enacted, That in case any Person nominated and appointed by the said Company to be an Auditor of the Accounts of the



the said Company shall die, or refuse to act in the Execution of this Act, or shall not be or shall cease to be entitled to Three Shares at least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, or shall be otherwise disqualified as herein mentioned, then and in every such Case the same Provisions as are hereinbefore enacted in respect of electing the Directors of the said Company shall take effect with respect to the Election of the Auditors of the said Company. of those who shall die, &c.

XXII. 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 Five hundred Shares in the said Undertaking, such General Assembly of the said Company shall be adjourned to such Time and Place as the Directors shall appoint, not exceeding One Month, and so from Time to Time until there shall be such Persons present at such General Assembly having such Number of Shares as aforesaid; and of every such adjourned Meeting Twenty-one Days Notice shall be given by the Clerk to the said Company, in some Newspaper usually circulated in the County or Counties through which the said Works hereby authorized shall pass; and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares, as Principals or Proxies, at such General Assembly, every Proprietor of Five Shares and upwards residing within the Distance of Two Miles from the Place of such Meeting, who shall not attend such adjourned General Assembly in Person or by Proxy, shall for each and every such Absence forfeit and pay to the said Company, for every Share which he or she shall possess in the said Undertaking, the Sum of One Shilling, to be deducted out of his or her next succeeding Payment of Interest or Dividends and 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 aforesaid within Twelve Calendar Months next after the making of such Default, then and in such Case such Penalty and Forfeiture 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. General Assemblies to be adjourned in case they do not consist of 500 Shares.

XXIII. And be it further enacted, That the Auditors of the Accounts of the said Company, or any one of them, shall and they are hereby required, Four Times at the least in every Year, to meet at some convenient Place to 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 their Officers, and by any other Person and Persons whomsoever employed by or concerned for or under them in and about the said Undertaking; and the Clerk of the said Company shall and he is hereby required to attend such Meetings of the Auditors; and at such Meetings of the Auditors a fair and correct Statement of the Accounts of the said Company shall be made out for the Inspection of the next General Assembly, for their Confirmation; and such Auditors shall receive such Salary or Compensation for their Services as the said Proprietors at any General or Special General Assembly shall appoint; and in order to defray the Expenses of the Meetings of such Auditors, such Auditors shall from Time to Time receive, out of the Capital Stock of the said Company, such Sum or Sums of Money as shall be directed, adjusted, and settled at any General Assembly of the said Company. Duty of Auditors.

XXIV. And



No Director  
or Auditor to  
be concerned  
in any Con-  
tract, &c.

XXIV. And be it further enacted, That no Director or Auditor shall hold any Contract, or enjoy any Place of Profit created by this Act, or be beneficially employed, or be interested or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company; or in case any Director or Auditor shall hold any Contract, or enjoy any Place of Profit created by this Act, or shall be beneficially employed, or be interested or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company, or in case any Person previously holding such Contract, Place, or Employment shall allow himself to be elected as a Director or Auditor, and shall take upon himself the Office of Director or Auditor of the said Company, such Person shall forfeit and pay the Sum of Fifty Pounds, together with all Costs of Suit, to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and Half of such Penalty, when recovered, shall be paid to the Person or Persons who shall sue for the same, and the other Half shall be paid to the said Company, to be applied to the Purposes of this Act; and any Person so convicted shall be absolutely disqualified from being or acting any longer as a Director or Auditor of the Company; and no Director or Auditor interested in any such Contract, Matter, or Thing as aforesaid shall vote in any such Question touching or concerning the same.

Powers of  
General  
Assemblies.

XXV. And be it further enacted, That the said Company shall have Power and Authority, at any General Assembly, to remove and displace any Director or Auditor nominated and appointed by virtue of this Act, and from Time to Time to nominate and appoint another Person in his Room or Stead, and according to the Rules and Regulations herein-before prescribed in that Behalf; and it shall be lawful for the said Company, 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 Five 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, and affixed and continued on some conspicuous Part of the Works of the said Company, shall be binding upon and shall be 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 such Rules, Bye Laws, and Orders 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 any of them; provided also, that such Rules, Bye Laws, and Orders shall be subject to Appeal in manner herein-after mentioned; 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



blies be thought proper and convenient; provided nevertheless, that no Director or Auditor shall be subject or be liable to be removed or displaced at any such General Assembly, unless Seven Days Notice of the Motion for such Removal be given to the Clerk of the said Company previous to such General Assembly.

XXVI. And be it further enacted, That if it shall at any Time appear that for the more effectually carrying this Act into execution a Special General Assembly of the said Company is necessary to be held, it shall and may be lawful for any Twenty-five or more of the said Proprietors, possessing collectively Two hundred and fifty Shares or upwards in the said Undertaking, to cause Twenty-one Days Notice at least to be given of such Special General Assembly in some of the *Birmingham* and *London* Newspapers, or in such other Manner as the said Company shall at any General Assembly direct or appoint, specifying in such Notice the Reason or Intention of requesting such Special General Assembly, and the Time when and the Place where the same shall be holden, which shall be within the said Town of *Birmingham*; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present at such Special General Assembly shall proceed to the Execution of the Powers by this Act given to the said Company with respect to such Matters alone as shall be specified in such Notice; and all such Acts, Orders, or Determinations of the Proprietors, or the major Part of them, so met together at every such General Assembly, (provided that the said Proprietors present, either as Principals or Proxies, shall be possessed of at least Five hundred Shares in the said Undertaking,) shall be as valid with respect to the Matter specified in such Notice as if the same had been done and made at any stated General Assembly.

Assemblies of the Proprietors may be specially convened.

XXVII. And be it further enacted, That it shall be lawful for the said Company, 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, or other Officers, or any of them, as they the said Company shall deem 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, under their Common Seal, another Person or Persons in his or their Room or Stead in manner aforesaid, taking such Security from every such Treasurer and Collector, and also, if they think fit, from every such Engineer, Clerk, or other Officer in a Situation of Trust, for the due Execution of their respective Offices, and granting them such Salary or Compensation as to the said Company shall seem proper; and such Clerk or Clerks shall, in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Name and Place of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share therein, and of all Acts, Proceedings, and Transactions of the said Company and Directors respectively, and each of the said Proprietors of the said Undertaking shall and may at all Times have Liberty to peruse and inspect the same *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

Officers to be appointed.

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



Clerk or Clerks shall refuse to permit any Proprietor 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 at the Rate or Price of Sixpence aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Committee  
may remove  
Officers and  
appoint  
others.

XXVIII. And be it further enacted, That it shall be lawful for the said Directors to remove any Engineer, Auditor, Collector, Officer, or Servant of the said Company, (save and except the Treasurer and Clerk of the said Company,) for any Neglect, Misconduct, or Inability, and to appoint some other Person in their respective Places, and also from Time to Time to fill up such Vacancies as may appear by Death, Resignation, or otherwise, in any of the said Offices; but in case any such new Appointment shall be made by the said Directors the same shall only continue in force until the next General or Special General Assembly of the said Proprietors, when the Appointment of such Person shall either be confirmed or the Person so removed re-elected, or such other fit Person appointed to succeed to such Office as the said Proprietors at such General or Special General Assembly shall think proper.

Officers to  
account.

XXIX. And be it further enacted, That every such Treasurer, Engineer, Clerk, Collector, and other Officer and Person so to be appointed as aforesaid shall, under their Hands, at such Time or Times and in such Manner as the said Company or their Directors shall require, deliver to the said Company or their 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 may have been received by such Treasurer, Engineer, Clerk, Collector, Officer, or Person respectively, 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 over all such Monies as shall remain in their respective Hands to the said Company, or to their 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 up to the said Company or their said Directors, or to such Person or Persons as they respectively shall appoint, within One Week after being thereunto required by the said Company or 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 over such Monies as upon the Balance of any Account shall appear to be in their respective Hands, to the said Company or their Directors, or as they respectively shall direct or appoint, then and in either of the Cases aforesaid the said Company may and are hereby authorized and empowered to bring or cause to be brought any Action against the Treasurer, Engineer, Clerk, Collector, Officer, or Person so neglecting or refusing as aforesaid, in order to the Recovery of the Money, Books, Papers, and other Writings belonging to the said Company which shall be in the Hands of such Treasurer, Engineer, Clerk, Officer, or Person respectively; or if Complaint shall be made by the said Company or by the said Directors, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such



such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein the Treasurer, Engineer, Clerk, Officer, or Person so neglecting or refusing shall be and reside, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Treasurer, Engineer, Clerk, Collector, Officer, or Person so neglecting or refusing to be brought before them, and upon his or her appearing, or having been summoned and not 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 upon Oath (which Oath such Justice is hereby authorized and empowered to administer), it shall appear to such Justice that any of the Monies which 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 Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Clerk, Collector, Officer, or Person respectively; and if no Goods or Chattels of such Treasurer, Engineer, Clerk, Officer, or Person 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 Person shall still persist in refusing to deliver up such Books, Papers, and Writings as aforesaid to the said Company or to the said Directors; or as they respectively shall appoint, then and in any or either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol for such County, City, 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 or their 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 or their said Directors: Provided always, that 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.

XXX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer or of the Partner of such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or being the Partner of such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every Person

Same Person  
not to be  
Clerk and  
Treasurer.



Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Meetings and  
Proceedings  
of the Direc-  
tors.

XXXI. And be it further enacted, That no Director shall have more than One Vote at any Meeting of the said Directors, except the Chairman, 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 Powers and Authorities 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 Meetings, the whole Number present not being less than Four; and the said Directors shall from Time to Time make Reports of their Proceedings to the said General Assemblies of the said Company, and, if required, to the Special General Assemblies of the said Company, 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 Expenses 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 and appropriated at such General Assemblies to be applied for that Purpose.

General  
Powers of the  
Directors.

XXXII. And be it further enacted, That the said Directors shall and may contract for and agree for the Purchase of the Lands, Tenements, and Hereditaments which 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 and the several Owners and Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, damaged, or affected by the Execution of any of the Powers by this Act granted, and shall and may make Contracts, Agreements, and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making or completing or continuing the Works belonging to the said Undertaking, and all and every Part and 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; and the said Directors shall by themselves, or by the Clerk to the said Company, keep a full and true Account of all Monies 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 other Officer, or from any Person whomsoever employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or in or with any Part thereof, and shall regularly by themselves, or by the Clerk to the said Company as aforesaid, enter into a Book or Books

to



to be from Time to Time provided at the Expense of the said Company for that Purpose, Minutes or Copies (as the Case shall require) of every such Contract and Bargain when completed, and also of every such Receipt or Disbursement, and of all other their Orders and Proceedings, which Books or Book shall be deposited with and be under the Care and Direction of the said Directors.

XXXIII. And be it further enacted, That 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, or their respective Executors, Administrators, Successors, or Assigns, to defray the Expenses 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 Two Pounds upon each Share, and so that such Calls shall not be made but at the Distance of One Month at least from each other, and so that Fourteen Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some Newspaper or Newspapers usually circulated in the Town of *Birmingham* and City of *London*, or in such other Manner as the said Company shall at any General Assembly direct or appoint; provided also, that it shall not be lawful to make any further Call upon any Proprietor who shall have paid to the said Company, 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 and Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall pay his, her, or their rateable Proportion of the Money 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 appoint; and if any Person 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 One Calendar Month next ensuing, he or she so neglecting or refusing shall forfeit and pay the Sum of Five Shillings for every Share in respect whereof he or she shall so neglect or refuse to pay; and if such Person shall continue to neglect or refuse to pay his or her rateable Call or Calls as aforesaid, together with such Penalty of Five Shillings for every such Share as aforesaid, for the Space of One Calendar Month next after the Time so appointed for Payment thereof, then he or she so neglecting or refusing shall forfeit his or her 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, and shall be publicly sold, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share until Twenty-one Days 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, provided such Place or Places of Abode shall be known to the Clerk of the said Company, 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.

Directors  
may make  
Calls.

Forfeitures  
for neglect-  
ing to pay  
Shares.

Forfeited  
Shares may  
be sold.

XXXIV. Provided always, and be it further enacted, That the said Company or their Directors shall not by virtue of this Act sell or transfer, or

Company not  
to sell more  
of such Shares

[*Local.*]

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than may be  
sufficient to  
answer Calls.

or direct to be sold and transferred, any more of such Shares of such Defaulter or Defaulters in Payment of Calls than shall be sufficient, as near as may be at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expenses attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expenses as aforesaid, any Share vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share has belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Surplus of  
Sale of for-  
feited Shares.

XXXV. Provided always, and be it further enacted, That if any Surplus shall remain of the Money arising from the Sale of any such Share after satisfying the Amount of such Call or Calls, and all Costs, Charges, and Expenses attending the Sale of the said Share or Shares, such Surplus shall be paid to the last Owner or Proprietor of the said Share or Shares.

Subscribers  
to pay their  
Subscrip-  
tions.

XXXVI. And be it further enacted, That the respective Persons who have subscribed or who shall hereafter agree to 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 they are hereby required to pay the Sum or Sums by them respectively subscribed or agreed to be subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company by virtue of the Powers and Directions of this Act, at such Times and Places and in such Manner as shall be appointed 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 appointed for that Purpose, the said Company are hereby empowered to sue for and recover the same in any Court of Law or Equity, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit.

Directing the  
Proceedings  
in Actions  
for Calls.

XXXVII. And be it further enacted, That in all Actions brought by the said Company against any Person who hath subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Proprietor of any Share in the said Undertaking, to recover any Sum of Money due and payable to the said Company for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege 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 or so many Call or Calls, 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 Undertaking, and that such Call or Calls was or were in



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 Two Pounds for every Share, or was made within the Distance of One Month 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 the Defendant or Defendants shall first become bound, with Two sufficient Sureties, to the said Company, by a 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 to effect, and also, if the said Judgment shall be affirmed, or the said Writ of Error be nonprossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay of Nonexecution.

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

‘ I *A.B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ Form of  
‘ \_\_\_\_\_ paid to me by *C.D.* of \_\_\_\_\_ do Conveyance.  
‘ hereby bargain, sell, assign, and transfer to the said *C.D.* the Sum of  
‘ \_\_\_\_\_ Capital Stock of and in the *Birmingham 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 as I held the  
‘ same immediately before the Execution thereof; 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 \_\_\_\_\_ in  
‘ the Year of our Lord \_\_\_\_\_.

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 shall have entered in a proper Book or Books, to be kept for the Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and shall have testified or indorsed the Entry of such Memorial the said Deed of Sale or Transfer, for which no more than Five Shillings shall be paid to the said Clerk, and the said Clerk is hereby required to make such Entry or Memorial and such Indorsement 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 in the said Undertaking.

XXXIX. And



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

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

For ascertaining the Proprietorship of Shares in certain Cases.

XL. And whereas, in Cases where the original Subscriber of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof by the said Clerk as directed by this Act, it may not be in the Power of the said Company, or their Treasurer or Clerk, to know who is the Owner or Proprietor of such Share, in order to give him or her Notice of Calls made on such Share or Shares as is hereby required, or to maintain any Action against him, her, or them for the Recovery of the same, or for the Purpose of safely paying him, her, or them the Interest or Dividends to which he, she, or they may be entitled by virtue thereof: Be it therefore further enacted, That in all Cases where the Right and Property in any Share in the said Undertaking shall pass from the original Proprietors thereof to any other Person 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 some 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 and Persons, and such Affidavit shall be transmitted to the Clerk to the said Company, 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 in all or any of the said Cases it shall be lawful for the said Company, at any General Meeting, after Twenty-three Days Notice shall have been given by the said Treasurer or Clerk to the Owner, or Person claiming by such Affidavit to be the Owner thereof, and shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call, or as aforesaid, and after Notice thereof shall have been given Three Times at the Interval of not less than Six Days between each Advertisement in some *Birmingham* and *London* Newspapers, to declare at any General or Special General Assembly the same Share or Shares to be forfeited, and in such Case the same shall be forfeited and sold and disposed as the said Company shall direct, or otherwise become consolidated in the General Fund of the said Company.

Names of Proprietors, and Numbers of their Shares, to be entered in a Book.

XLI. And be it further enacted, That the Clerk of the said Company shall in a proper Book or Books, to be provided by the said Company for the Purpose, enter and keep a true Account of the Names and proper Additions of the several Persons who shall be 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



shall be distinguished ; and every such Proprietor shall and may at all seasonable Times have recourse to and peruse the same *gratis*, and may demand Copies thereof or of any Part thereof, paying to the said Clerk Sixpence for every Seventy-two Words so copied ; and if any such Clerk shall refuse to permit any Proprietor to inspect such Book or Books, or shall refuse to make such Copies as aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Company ; which Certificate may be in the Words or to the Effect following ; *videlicet*,

Proprietors  
may require  
Copies.

‘ The Company of Proprietors of the *Birmingham* Waterworks.

Form of  
Certificate.

‘ Number

‘ THESE are to certify, That *A. B.* of \_\_\_\_\_ is a Proprietor  
‘ of the Share Number \_\_\_\_\_ being One Share of the *Birmingham*  
‘ Waterworks, subject to the Rules, Regulations, and Orders of the said  
‘ Company of Proprietors ; and that the said *A. B.*, his [*or her*] Execu-  
‘ tors, Administrators [*or Successors*], and Assigns, is and are entitled  
‘ to the Profits and Advantages of such Share. Given under the Common  
‘ Seal of the said Company, the \_\_\_\_\_ Day of \_\_\_\_\_ in the  
‘ Year of our Lord \_\_\_\_\_

‘ Passed under the Seal }  
‘ in the Presence of } *C. D.* Chairman.’

XLII. And whereas a Map or Plan describing the Places whereon the said Reservoirs are to be made and erected hath been deposited with the Clerk of the Peace for the County of *Warwick* : Be it therefore enacted, That such Map or Plan shall remain in the Custody of the said Clerk of the Peace for the Time being or his Deputy, and all Persons interested therein shall at all seasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or any Part thereof, paying to the Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and for Copies thereof after the Rate of Sixpence for every One hundred Words: Provided always, that the said Company shall not, in carrying into execution any of the Purposes of this Act, deviate more than One hundred Yards from the Situation or Course described and delineated in such Map or Plan, nor make any Reservoirs in any other Lands, Grounds, or Situations than in those therein described.

Maps to re-  
main with  
Clerk of the  
Peace, &c.

Not to de-  
viate from  
Plan.

XLIII. Provided always, and be it further enacted, That if any of the Lands, Grounds, or Premises described or mentioned in the said Map or Plan, or in the Book of Reference accompanying the same, or if any of the Persons in whose Possession or Occupation the same Lands, Grounds, or Premises, or any Part thereof, are or is described or stated to be, or any other Person interested therein, shall happen by Mistake or Inadvertency to be misnamed or inaccurately described, then and in every such Case, on the same being so certified by any One or more of His Majesty’s Justices of the Peace for the County or Place within which such Lands, Grounds, or Premises shall be situate, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act, but the same Lands, Grounds, and Premises shall and may be purchased, sold, assessed, and valued in manner by this Act directed, and be afterwards conveyed, disposed of, and applied for and towards the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same was

Misnomers  
in Plan or  
Book of Re-  
ference not  
to prevent  
Execution of  
Act.

[*Local.*]

35 R

or



or were properly named and described in the said Map or Plan and Book of Réference.

Houses,  
Gardens, &c.  
not to be  
injured with-  
out Consent.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, in the making or completing the said Waterworks, Reservoirs, Aqueducts, or other Works relating thereto, or any other of the Purposes of this Act, any House, Bridge, or other Building which shall have been erected or built on or before the passing of this Act, or any Land or Ground which on or before that Time shall have been set apart and used as for a Yard, Park, Paddock, Garden, Orchard, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, (other than and except such as are mentioned in the Map or Plan herein-after referred to, and in the Schedule to this Act annexed,) without the Consent of the Owner or Owners thereof for the Time being.

Limiting  
Time for  
purchasing  
Premises.

XLV. Provided always, and be it further enacted, That if the said Company shall not within the Space of Five Years next after the passing of this Act agree for or cause to be valued as herein-after is mentioned, and purchase, the Buildings, Lands, Tenements, and Hereditaments particularly mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them hereby granted for such Purpose shall cease and determine, and be utterly void and of no effect, anything herein contained to the contrary thereof in anywise notwithstanding.

Company  
not to take  
Land in  
Edgbaston,  
marked  
38 and 39,  
without the  
Consent of  
the Owners.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of this Act, Two certain Pieces or Parcels of Land, or any Part or Parts thereof respectively, situate in the said Parish of *Edgbaston*, marked Numbers Thirty-eight and Thirty-nine upon the Map or Plan herein-before mentioned, or described in the said Book of Reference accompanying the same, without the Consent in Writing of the Owner or Owners thereof for the Time being first had and obtained.

Power to  
make Works.

XLVII. And be it further enacted, That it shall be lawful for the said Company and their Successors to contract for the Erection or for the renting or purchasing of a suitable House and Offices (the same to be situated within the Limits of this Act) as and for a House and Offices for the Transaction of the Affairs of the said Company, and to hold the same to themselves, their Successors and Assigns, for the Use of the said Undertaking for ever, and by themselves, their Deputies, Officers, Agents, Servants, Workmen, and Assistants, to make, complete, and maintain Waterworks, Aqueducts, Reservoirs, Water Wheels, Steam Engines, Fire Engines, and other Engines, and Pipes, and other Buildings, Erections, Works, and Conveniences, at or near to *Salford Bridge* in the Parish of *Aston*, and also at or near to a certain Place called *Parrott's Folly* in the Parish of *Edgbaston* aforesaid, both in the County of *Warwick*, for supplying with Water by means of such Waterworks the Town of *Birmingham*, and the several Parishes, Hamlets, and Places of *Birmingham*, *Aston*,



*Aston, Duddeston, Duddeston and Nechells, and Edgbaston* in the said County, from the said River *Tame*, and also from the said Brook called *Hawthorn Brook*; and the said Company are hereby fully empowered, by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Waterworks, Aqueducts, Reservoirs, and other Works, during the Time that the same shall be making and at all Times for ever after the same shall be made, with Water from the said River *Tame* and from the said Brook called *Hawthorn Brook*, and also from any Brooks, Streams, Springs, Watercourses, and other Sources of Water which may be found in making the said Waterworks, and such and so many Feeders, Tunnels, and Shafts, and to make, erect, and set up such and so many Sluices, Weirs, Engines, Steam Engines, Fire Engines, and other Machines, for supplying the said Waterworks with Water, and for any other Purposes, for the making, maintaining, and using such Waterworks, as they the said Company or their Successors shall from Time to Time think proper and expedient, except upon the Estate of the Estate of *George Lord Calthorpe* in the Parish of *Edgbaston* aforesaid, or in the erecting of Steam Engines nearer to the said Estate than Three several Fields marked on the Plan N<sup>o</sup> 37, 38, and 39; and for the Purpose of better effectuating the Purposes aforesaid the said Company, and their Successors, Agents, Officers, Workmen, and Servants, are hereby empowered to dig and break up the Soil of any private Lands and Hereditaments which they are hereby empowered to take (subject to the Provisions and Directions of this Act), and also to dig and break up the Soil and Pavements of any of the Roads of any Highways, Footways, Streets, Lanes, Alleys, Passages, and public Places within the said Town, and the several Parishes, Hamlets, and Places aforesaid, and to sink and lay Mains, Pipes, Trunks, and other Conveniences for the Purposes aforesaid, and to put Stopcocks or Plugs or Branches from such Mains, Pipes, Trunks, and other Conveniences, in such Place and in such Manner as shall be necessary for the Purposes aforesaid, and from Time to Time to alter the Position of and to repair, relay, and maintain such Mains, Pipes, Trunks, Stopcocks, and Plugs, and do all such Acts, Matters, and Things as they the said Company and their Successors shall from Time to Time and at any Time think necessary and convenient for completing, amending, repairing, improving, and using the Works authorized by this Act to be done and provided, according to the true Intent and Meaning hereof; and the said Company are hereby empowered to make, erect, and provide such Engine Houses and other Works, and all such Cisterns, Basins, Main Pipes, Conduit Pipes, Hand Pipes, Plugs, Valves, Branches of Lead and other Metal, Cocks, Chamber-cocks, Cocks in common, Main Feeders, Fanipers, and Pumps, as the said Company shall think requisite for the Purposes of the said Undertaking, and to do all such other Acts as shall be necessary or expedient for supplying the Inhabitants of such Town, Parishes, Hamlets, or Places with Water, and in otherwise carrying this Act into complete Execution, and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same; they the said Company, their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the Powers hereby granted to them, and making full Satisfaction in manner herein-after mentioned to the Owners of and Persons interested in any Lands or Premises which may be taken, removed, diverted, or prejudiced, for any Damages which shall



shall be sustained by such Owners of or other Persons interested in the Lands or Premises which shall be taken or used by the said Company, or which shall be prejudiced or injured by being overflowed, or otherwise in surveying, setting out, making, altering, repairing, or using the said Waterworks, Reservoirs, Aqueducts, and 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, their Servants, Agents, and Workmen, and all other Persons acting under their Authority, for what they shall do by virtue of the Powers hereby granted.

Deficiencies  
in Land Tax  
to be made  
good by  
Company.

XLVIII. And whereas by reason of taking down Houses and Buildings and making Alterations in pursuance of this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described: Be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised and possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under the Powers of the Act for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good, to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Aqueduct  
at Salford  
Bridge.

XLIX. Provided always, and be it further enacted, That in no Case shall the said Company of Proprietors hereby incorporated construct or erect any Works whatever which may injure, hurt, or affect the Aqueduct of the *Birmingham Canal Navigation* situate at or near *Salford Bridge* aforesaid.

Company  
not to divert,  
&c. any  
River, &c.  
in the Lands  
of Sir Thomas  
Gooch, &c.  
without their  
Consent.

L. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company, their Agents, Workmen, or Servants, to use or divert, turn away, injure, or in any Manner interfere with, any River, Brook, Bath, Spring of Water, Well, Reservoir, or Watercourse arising, flowing, or being within or under any Part or Parts of the Lands or Grounds of Sir *Thomas Gooch* of *Benacre Hall* in the County of *Suffolk*, Baronet, *Thomas Bower*, *George Holmes*, *Thomas Beal*, *George Jones*, or *George Mills Ryder*, situate within the Parish of *Saint Martin* in *Birmingham*, or of *George Lord Calthorpe* in the Parish of *Edgbaston* in the County of *Warwick*, their respective Heirs, Executors, Administrators, or Assigns, or to intercept or divert the Course of any Water or Waters flowing into any such River, Brook, Bath, Well, or Reservoir, or by which any such River, Brook, Bath, Well, or Reservoir may be supplied or fed, or to enter upon, dig, or break up the Soil of any Part



Part or Parts of the said Lands or Grounds, or to sink, lay, or construct any Mains, Pipes, or other Works in, upon, or under the same, without the Licence and Consent in Writing of the said Sir *Thomas Gooch, Thomas Bower, George Holmes, Thomas Beal, George Jones, George Mills Ryder,* and Lord *Calthorpe*, their respective Heirs, Executors, Administrators, or Assigns, under their respective Hands for that Purpose first had and obtained, anything herein contained to the contrary notwithstanding.

LI. Provided always, and be it further enacted, That in no Case shall it be lawful for the Company of Proprietors hereby incorporated to take or divert any Springs, Brooks, Streams, Feeders, and Waters which now are or heretofore have been taken for the Use of the *Birmingham Canal Navigations*, or which the Company of Proprietors of the said *Birmingham Canal Navigations* are by Law authorized or empowered to take for the Use of the said Canal Navigations.

Not to divert the Waters used by the Birmingham Canal.

LII. Provided always, and be it further enacted, That the Furnace of every Steam Engine to be erected by the said Company shall be constructed upon the Principle of consuming or regulating its own Smoke, provided that the same can be satisfactorily effected by any Apparatus now known for that Purpose.

Furnaces of Steam Engines.

LIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Waterworks, Reservoirs, Aqueducts, Feeders, and other Works, or any Part 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 or other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons, and for all Femes Covert 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, sell, and convey the same and every Part thereof, and any Interest therein, to the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expense of the said Company; and such of them as shall be made of any Lands, Tenements, or Hereditaments to the said Company shall be made according to the following Form or Effect; (that is to say,)

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes aforesaid.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ to me [or into the Bank of *England*,  
 ‘ as the Case may be,] paid by the Company of Proprietors of the \_\_\_\_\_  
 ‘ *Birmingham Waterworks*, do hereby grant, release, and affirm to the \_\_\_\_\_  
 ‘ said Company [or assign] all [describing the Premises to be conveyed]  
 ‘ [Local.] 35 S and \_\_\_\_\_  
 ‘ \_\_\_\_\_ Form of Conveyance to the Company.



‘ and all my Right, Title, Estate, and Interest to and in the same and  
 ‘ every Part thereof, to hold to the said Company and their Successors  
 ‘ for ever, [*or, as the Case may be*, during all the Remainder of my Estate  
 ‘ or Interest in the said Premises,] by virtue and according to the  
 ‘ true Intent and Meaning of an Act passed in the Seventh Year of  
 ‘ the Reign of His Majesty King *George* the Fourth, intituled [*here*  
 ‘ *insert the Title of this Act*]. In witness whereof I have hereunto set  
 ‘ my Hand and Seal [*or our Common Seal, as the Case may be*], this  
 ‘ Day of in the Year of our  
 ‘ Lord .

And such Conveyance shall be kept by the Clerk of the said Company, who shall from Time to Time, on Demand, deliver attested Copies thereof to any Person demanding the same within Eight Days after the same shall have been demanded, and shall have and receive the Sum of Sixpence for every One hundred Words of each such attested Copy, and so in proportion for any less Number of Words.

For settling  
 Contracts  
 respecting  
 Copyhold  
 and Custom-  
 ary Lands.

LIV. And be it further enacted, That if any Contract concerning any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this Act shall be entered into of any Lands, Tenements, or Hereditaments which shall be Copyhold or Customary, the same shall be executed and completed by Surrender according to the Custom of the Manor of which the same are holden, and shall continue subject to the same Fines, Rents, and Services as are due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, unless the Lord or Lady of the Manor for the Time being shall be willing and desirous to enfranchise the same, in which Case such Lord or Lady is hereby empowered so to do, notwithstanding he or she shall be seised of or entitled to the same Manor or Manors for a less Interest than an Estate of Inheritance in Fee Simple ; but in case the Lord or Lady of the said Manor shall decline to enfranchise the same, he or she shall be entitled to and shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss that will arise to him, her, or them in respect of the Fines, Heriots, or other Services the Enjoyment of which shall be diminished or lost by the vesting of such Copyhold or Customary Premises in a Body Corporate, which Recompence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury as is directed by this Act.

Conveyance  
 by Lords of  
 Manors of  
 Lands taken  
 from Com-  
 mons to be  
 sufficient.

LV. And be it further enacted, That in all Cases where there shall be occasion to cut through, take, or use, for the Purposes of this Act, any Part of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right of Common, whether of Pasture, Turbary, Eastover, Piscary, or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person having such and the like Estate or Interest of and in the Manor wherein such Lands, Tenements, Common or Waste Grounds shall be situate, or if the same shall not be the Waste of any Manor, then having such or the like Estate or Interest of and in the Soil of such  
 Lands,



Lands, Tenements, Wastes, Commons, and Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate, or Persons who are hereinbefore enabled to sell and convey other Lands, Tenements, and Hereditaments, shall be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of such Waste Grounds or Commons, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having such Right of Common upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in possession, and had joined in and executed such Conveyance; and the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid shall be paid by the said Company to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interests as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England* in manner by this Act directed, as the Case may be; provided that in Cases where any such

Where the Manor is vested in Freeholders or Inhabitants, &c. Four of them may convey.

LVI. And be it further enacted, That the said Company shall and they are hereby directed and required to make full Compensation and Satisfaction to the Owners and Proprietors of the said River *Tame* and the said Brook called *Hawthorn Brook*, and any Brook or Stream supplied therefrom respectively, and also to the Owners and Proprietors of any Mills, Messuages, Lands, and Hereditaments situate and being on the said River or Brook, or on any such other Brook or Stream, for any Loss or Injury they may sustain by any Water being altogether or partially diverted from the said River or Brook, or any such other Brook or Stream, or otherwise; and in case of any Dispute or Difference respecting the Amount of any such Recompence or Satisfaction the same shall be settled and ascertained by a Jury in the Manner hereby directed for ascertaining the Value of Lands to be purchased for the Purposes of this Act.

Compensation to Mill Owners and Occupiers.

LVII. And whereas by reason of the Purchases which the said Company are by this Act empowered to make the said Company may happen

Company may re-sell Lands which



may not be  
wanted.

to be seised of Lands, Buildings, or Hereditaments which may afterwards be considered as unnecessary to be made use of for the Purposes of this Act: Be it therefore enacted, That it shall be lawful for the said Company to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey, such Part or Parts of the Lands or Hereditaments as shall be so purchased and conveyed to the said Company as aforesaid, and as shall not be wanted for the Purposes aforesaid; and all such Conveyances from the said Company shall be valid and effectual, any Law or 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 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 to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person for the Purchase Money for which such Lands and 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 Loss, Misapplication, or Nonapplication of such Purchase Money or Rent, or any Part thereof: Provided always, that the said Company, before they shall sell and dispose of such Lands and Hereditaments, shall first offer to sell the same to the Person or Persons whose Lands or Premises shall immediately adjoin the Lands or Grounds so proposed to be sold as aforesaid; and in case such Person or Persons shall not then and thereupon agree or shall refuse to purchase the same, then and in every such Case an Affidavit shall be sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace for the County where such Lands or Hereditaments shall lie, by some Person no way interested in the said Lands or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company, 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 was not agreed to, or was refused by the Person or Persons, to whom it was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Company in pursuance thereof, and the Expense of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of such Messuages, Lands, Tenements, and Hereditaments as aforesaid shall be applied to the Purposes of this Act.

Treasurer,  
upon Pay-  
ment of  
Money, to  
give Receipts.

LVIII. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person  
for



for the Purchase Money for such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

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

The Words "grant, bargain, and sell" to operate as Covenants for Title.

LX. 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 as the Consideration for any such Sale as aforesaid shall be paid, applied, and disposed of in such and the like Manner as any other Sum or Sums of Money arising or to arise from the said Waterworks, Reservoirs, Aqueducts, and Feeders are hereby directed to be paid, applied, and disposed of.

Application of Purchase Money.

LXI. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, and 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 and are seised, possessed of, or interested in any Lands or other Hereditaments through, in, or upon which the said Waterworks, Aqueducts, Reservoirs, Watercourses, Feeders, or other Works in and by this Act authorized shall 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 the said Works, either in gross Sums, as shall be agreed upon by and between the said Parties interested respectively, or any of them; and in case the said Company 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 herein-before directed.

Satisfaction to be made.

LXII. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, or any Feoffee 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,

If Party dissatisfied with Directors Determination, they

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may cause a  
Jury to be  
impannelled  
to decide the  
Matter.

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 Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after the same shall have been offered; or if any such Body Politic, Corporate, or Collegiate, Trustee, or any other Person, shall, upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Feoffee 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 Lives, 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, 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 Twenty-one Days next after such Notice neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence or otherwise shall be prevented from treating, or through Disability, by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be necessary for the Purposes aforesaid, or shall refuse or decline to sell, convey, and dispose of the Premises whereof or wherein or whereunto they shall be so respectively seised, possessed, interested, or entitled as aforesaid, or shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises of which they are or shall be in possession, and to the Interest which they claim therein, or if any Dispute or Difference shall arise touching any such Purchase, then and in every such Case the said Directors, or any Four or more of them, shall and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County within which the Matter in question shall arise, and in case any such Sheriff shall be one of the said Company, 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 of the Coroners of the said County who shall not be so interested as aforesaid, and in case all the said Coroners shall be so interested, then to the last Person who last filled the Office of Sheriff or Coroner who shall not be interested as aforesaid, commanding such Sheriff, 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 County, City, Division, or District wherein the Land and Premises shall be, 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 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 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 Oath, and also the



the Oaths of such Persons as shall be called to give Evidence, such Justices are hereby authorized to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money 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 separate Damages for the same, and for any several or separate Interests of any Owners, Tenant or 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 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: Provided always, that Notice of the Time and Place of making such Inquiry and Assessment by a Jury as aforesaid shall be given to or left at the usual or last Places of Abode of the Parties interested, or the Tenants or Occupiers of the Premises respectively, at least Fourteen Days before such Inquiry and Assessment.

LXIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace touching any Matter contained in any Information, Summons, or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect, without a reasonable Excuse, to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expenses, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation, which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Compelling  
Attendance  
of Witnesses.

LXIV. And be it further enacted, That if the Sheriff, Coroner, or other Person so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, or shall otherwise act 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, such Excuse to be allowed by the said Justice or Justices, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; which several and respective Penalties shall and may be levied by Warrant under the Hand and Seal of any 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 Discharge of such

Penalty on  
Sheriff, Jury-  
men, or  
Witnesses,  
for Default.



such Distress and Sale shall be deducted; and every such Penalty so recovered from any Person 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.

Punishing  
Persons  
guilty of  
Perjury.

LXV. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath or Affidavit by virtue of this Act, shall wilfully give false Evidence, or otherwise forswear themselves, before any such Jury, or before any Justice 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 and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Expenses of  
Jury and  
Witnesses by  
whom to be  
paid.

LXVI. And be it further enacted, That in every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Purchase of any Lands, Tenements, or other Hereditaments belonging to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, or as a Compensation for any Damages done or to be done to any Lands, Tenements, or other Hereditaments, or other Property, than had been previously offered by or on behalf of the said Company, or when any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation shall have been previously offered or tendered in respect thereof by or on behalf of the said Company, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person 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-before mentioned, then and in all such Cases all the Expenses of summoning such Jury and taking such Verdict shall be defrayed by the said Company; and in case such Costs and Expenses shall not be paid by the said Company within Fourteen Days after the same shall be demanded, the same shall and may be levied, by Warrant under the Hand and Seal of any Justice of the Peace acting in and for the County or Division within which the Cause of Action shall have arisen, by Distress and Sale of the Goods and Chattels of the said Company or their Treasurer; but if any Verdict shall be given for the same Sum as had been previously offered by or on the 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 Refusal or Neglect to enter into Treaty with or make Conveyance to or receive Compensation from the said Company by any Body Politic, Corporate, or Collegiate, or by any Person whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases the Costs and Expenses of summoning such Jury and taking such Verdict shall be borne and paid in the Manner following; that is to say, one Half thereof by the said Company, and the other Half thereof by the Body or Bodies Politic, Corporate, or Collegiate; or other Person or Persons, with whom the said Company shall have such Concerns, Controversies, or Disputes; which said first-mentioned Half of the Costs and Expenses, having been so settled, shall and may be deducted out of the  
Money



Money so assessed and adjudged as so much Money advanced by the said Company to and for the Use of such Body Politic, Corporate, or Collegiate, or other Person 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 where the Dispute is for Damages only, such Half of the Costs and Expenses, 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 provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

LXVII. 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 apportion any particular Estate, Terms, or Interest, and also any Damages sustained or to be sustained by any Person 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 Damage as aforesaid, separately and apart from each other, and shall apportion and divide the Money awarded as Compensation for any such Damages unto and between the Persons suffering the same.

Value of  
Land and  
Damage sus-  
tained to  
be distin-  
guished.

LXVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or adjudged and determined by any Jury or Juries, for the Purchase of any such Lands or other Hereditaments, or as a Recompence for any yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money respectively, or to his, her, or their Agent or Agents, at any Time within One Calendar Month 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, and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act, for ever; and such Tender, Payment, Investment, or Deposit, or the giving of such Security 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 every other Person interested therein; provided nevertheless, that

Lands to vest  
in the Com-  
pany upon  
Payment of  
the Value of  
Lands, &c.

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before



before such Payment, Tender, Investment, or Deposit as aforesaid shall be made, it shall not be lawful for the said Company, 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 Deposit, for the Purpose of making the said Waterworks, Reservoirs, Watercourses, and Feeders, Aqueducts, or Works, or any of them, without the Consent of such Person or Persons respectively.

Verdicts of  
the Jury to  
be recorded  
by the Clerks  
of the Peace.

LXIX. And be it further enacted, That every Verdict so given shall be transmitted to and be kept by the respective Clerks of the Peace, or other Person having the Custody of the Quarter Sessions for the said County of *Warwick*, and shall be deposited with and be deemed to be Records of such Quarter Sessions respectively to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Application  
of Compen-  
sation when  
amounting to  
200*l*.

1 G. 4. c. 35.

LXX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or other Trustees, for or on behalf of any Lunatics, Idiots, Femes 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 Damages to be done to any Lands, Tenements, or other Hereditaments, by virtue of the Powers herein contained, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Company of Proprietors of the *Birmingham* Waterworks, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order 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, and Purposes; or where such



such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities. or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by the 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.

LXXI. 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, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, of Five 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 the Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court.

Application  
of Compen-  
sation when  
less than  
200*l.* and not  
less than 20*l.*

LXXII. And be it further enacted, That in case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall 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, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians,

Application  
of Compen-  
sation when  
less than 20*l.*



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 same shall be paid shall be sufficient Discharges for the same.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

LXXIII. 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 Company, or any Three or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall 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 into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, 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 same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of Question touching the Title to Money to be paid for Lands, &c.

LXXIV. 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 Exchequer, 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 Monies, 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 paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Monies, and also the Capital



Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to 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.

LXXV. 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 other Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for 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 Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the Court shall deem reasonable, together 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 Court shall direct.

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

LXXVI. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or other Person or Persons, in possession of any Lands, Tenements, and Hereditaments through, in, or upon which the Works hereby authorized to be made are intended to be carried and made, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall peaceably and quietly deliver up the Possession of such Premises to the said Company, or such Person or Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company, or from the Person or Persons so authorized by them, to such Tenant or Lessee or Person in possession, or left upon the said Premises; whether such Notice be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required; and in case any such Person or Persons as aforesaid shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precepts to the Sheriff of the County where the said Premises shall be situate, to deliver Possession thereof to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required 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 Six Months Notice.

LXXVII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him to the said Company, or to the Person or Persons authorized by them to take possession thereof as aforesaid, before

Interest of such Tenants may be settled by a Jury.

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the



the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as herein-before mentioned, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in the same Manner as any Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or made use of by the said Company is in and by this Act directed to be made and assessed.

Persons  
holding  
under Leases  
to produce  
the same.

LXXVIII. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments, through, in, or upon which the Works hereby authorized to be made are intended to be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby authorized to require such Person to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Mortgages to  
be conveyed  
to Company  
after Tender.

LXXIX. And be it further enacted, That all and every Person and Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, (not being in possession thereof by virtue of such Mortgage,) shall on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Company, immediately convey, assign, and transfer such Mortgage to the said Company; or in case such Mortgagee shall have Notice in Writing from the said Company that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then, and at the End of such Six Calendar Months, on Payment of the Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the real Value of the Premises so to be taken and made use of for the Purposes of this Act, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid,



aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage or Mortgages as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of Payment into the said 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 comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said Company; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, 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 or them, in the said Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

LXXX. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money secured thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, then and in every such Case the Price or Value of such Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, and the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments, on the one Part, and the said Company on the other Part; and in case of any Difference or Disagreement between them, then such Price or Value and Compensation shall be ascertained or assessed by the Verdict of a Jury, in the same Manner as in other Cases of Difference or Disagreement; and the Amount of such Price or Value and Compensation, being so settled and agreed upon, or ascertained and assessed

Directing in what Manner Disputes between the Company and certain Mortgagees of Land shall be settled.



assessed as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his or their Claim, so far as the same will extend, or in case of his or their neglecting or refusing to release, convey, or assign as herein-before directed, then into the Bank of *England*, as by this Act is provided; and such Payment to the Mortgagee or Mortgagees or into the Bank as last aforesaid shall be and be accepted and taken in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken and used from all Principal, Interest, and other Money due or secured thereon: Provided always, nevertheless, that, notwithstanding anything herein-before contained, such Mortgagee or Mortgagees shall have, retain, and be entitled to such and the same Powers, Remedies, and Means for recovering or compelling Payment of his, her, or their Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as he, she, or they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage or Mortgages.

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

LXXXI. And be it further enacted, That such of the Inhabitants of the aforesaid Parishes, Hamlets, and Places as shall be desirous of having Water from the said Waterworks laid into their Houses, Buildings, or other Premises may and are hereby authorized and empowered, at their own Expense, (having given Fourteen Days previous Notice in Writing of his or her Intention so to do to the said Company of Proprietors, and with the Consent of the Owners of the Premises through which the Pipes shall be so 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 or other Pipe or Pipes, the Bore thereof to be ascertained and fixed (so that the same be not less than Three Fourths of an Inch in Diameter) 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 the Rates herein-after mentioned; and in case of Default of Payment of any such Rate or Rates, or Sum or Sums of Money so to be paid 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 or Main Pipes belonging to the said Company of Proprietors, to be separated from the said Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the said Houses, Buildings, and other Premises of every Person making such Default, and 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 Person liable to pay the same: Provided always, that all and every Person and Persons who shall have laid any Leaden Pipe or other Pipes as aforesaid shall be at liberty to remove and take any such Pipe and Pipes, and the Cock or Cocks to such Pipe or Pipes belonging.

LXXXII. Pro-



LXXXII. Provided also, and be it further enacted, That the said Company shall be obliged, in the Manner before directed, to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Square, Street, Close, or Lane of the said several Parishes, Hamlets, and Places aforesaid, where the Pipes of the same Company may be laid, for the Use of his or her own Family, at the following Rates *per Annum*; that is to say, where the annual Rack Rent or Value of the House or Building, Yard, or Offices to be supplied with Water shall not exceed Ten Pounds, at and after the Rate of Twenty Shillings *per Year*; and where the annual Rack Rent or Value shall be above Ten Pounds and shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per Year*; and where the annual Rack Rent or Value shall be above Twenty Pounds and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds Sixteen Shillings *per Year*; and where the annual Rack Rent or Value shall be above Thirty Pounds and shall not exceed Forty Pounds, at and after the Rate of Three Pounds Fifteen Shillings *per Year*; and where the annual Rack Rent or Value shall be above Forty Pounds and not exceed Sixty Pounds, at and after the Rate of Five Pounds *per Year*; and where the annual Rack Rent or Value shall be above Sixty Pounds and not exceed Eighty Pounds, at and after the Rate of Five Pounds Twelve Shillings *per Year*; and where the annual Rack Rent or Value shall be above Eighty Pounds and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds Five Shillings *per Year*; and where the annual Rack Rent or Value shall be above One hundred Pounds, at and after the Rate of Seven Pounds *per Year*; and every such Rate shall be payable according to the actual Amount of the Rent where the same can be ascertained, and where the same cannot be ascertained according to such Rent as such Inhabitant shall be assessed for the House Tax; provided nevertheless, that the said Company shall not be entitled to receive from any such Inhabitant more than the Sum of Ten Pounds in any One Year for such Supply, nor shall such Company be obliged to furnish such Supply to any Inhabitant for less than Twelve Shillings in any One Year, unless they shall think fit so to do; and provided further, that in the Case of Manufacturers, Dyers, Distillers, Sugar Refiners, Colour Manufacturers, Printers, Bleachers, Brewers, Innkeepers, Maltsters, Ale-house Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or her own Family's Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, or for Service above the Height of Six Feet above the Level of the Pavement of the Street within which the Premises so supplied may be situate, such Supply shall be furnished by the same Company in such Cases at such Rate as shall be settled by and between the Directors of the said Company and such Persons respectively.

Rates for  
supplying  
Water.

LXXXIII. And be it further enacted, That in case the said Company shall neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Square, Street, Close, or Lane where the Pipes of the said Company may be laid with Water for the Use of his or her own Family at the Rate aforesaid for the Space of Twenty-one

Penalty on  
not supplying  
Water.

[*Local.*]

35 Y

Days



Days (after Demand in Writing shall have been made by such Inhabitants to the Clerk or Engineer of the said Company for the Time being for such Supply of Water, and Tender made to such Clerk or Engineer of the Amount of the Rate for Half a Year for such Supply), the said Company shall forfeit and pay to such Inhabitant Treble the Amount of the Rate so tendered, in case the said Company, at the Time of such Demand and Tender being made, can grant such Supply of Water without lessening the Supply to the other Tenants of the said Company, but not otherwise, to be levied and recovered by virtue of a Warrant under the Hands and Seals of any of His Majesty's Justices of the Peace acting in and for the County, City, District, or Division where such private Dwelling House shall be situated, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors; and the said Company shall also forfeit and pay, in addition to the before-mentioned Forfeiture (to be recovered as aforesaid), the Sum of Twenty Shillings for each and every Day during which they shall refuse or neglect to supply such Water as aforesaid.

Company to provide Fire Plugs, and to deliver Keys at Engine Houses.

LXXXIV. And be it further enacted, That the said Company shall and they are hereby required, upon the laying down any Main Pipe or other Pipe in any Square, Street, Passage, or Place, for the supplying the same with Water, to fix and place at the Time of laying down such Main Pipe a proper and sufficient Fire Plug or Fire Plugs in each such Square, Street, Passage, or Place, and shall deliver the Key or Keys of such Fire Plug or Fire Plugs to the Person having the Care of the Engine House in or near to the said Square, Street, Passage, or Place, and another Key or Keys to be hung up in the Watch-house in or near to such Square, Street, Passage, or Place.

Restrictions respecting breaking up of Pavements.

LXXXV. And be it further enacted, That it shall not be lawful for the said Company, or any Person acting by or under their Authority, to break or take up or cause to be broken or taken up any of the Pavements or Grounds in any Streets, Roads, Lanes, or public Places, for the Purpose of making or laying down or repairing any Main or Mains of Pipes, or any Pipe or Pipes, or of altering the Position of or repairing any Pipes or other Works, or for any other Purpose, unless Notice in Writing of their Intention to break or take up such Pavement or Ground, signed by the Clerk or Inspector or Surveyor to the said Company, specifying the Street, Road, Lane, or public Place, and the particular Part of such Street, Road, Lane, or public Place, in which such Pavement or Ground is intended to be broken or taken up, shall have been given to a Surveyor of the Pavements or Roads for the Time being (duly appointed and notified in pursuance of any Act of Parliament now or hereafter in force for that Purpose) of the Parochial or other District or Place wherein such Street, Road, Lane, or public Place, the Pavement, Ground, or Soil whereof is so intended to be broken or taken up, shall be situate, or shall have been left for him at his Dwelling House or Office within such Parochial or other District or Place for the Space of Three Days at the least before such Pavement or Ground or any Part thereof shall be so broken or taken up, except in all Cases of sudden Emergency, in which such Notice as aforesaid shall be given to such Surveyor of Pavements or Roads as soon as possible after such Pavement or Ground or any Part thereof



thereof shall be broken or taken up; and if the said Company, or any Person acting by or under their Authority, shall break or take up or cause to be broken or taken up any such Pavement or Ground, without such Notice having been given or left as aforesaid (except as aforesaid), then and in every such Case the said Company shall forfeit and pay to the Commissioners or Trustees, or other Persons having the Control of the Pavements or Roads within the Parochial or other District or Place in which such Pavement or Ground so broken or taken up or disturbed shall be situate, or to their Treasurer, Clerk, or Surveyor, or to such other Person as they may appoint, the Sum of Twenty Shillings for every Yard of Pavement or Ground which shall be so broken or taken up without such Notice as aforesaid, to be recovered by Distress and Sale of the Goods and Chattels of the Person liable to pay the same.

LXXXVI. And be it further enacted, That whenever it shall be found necessary for the said Company to open the Ground in or under any Part of the said Roads, for the Purpose of amending or laying their Water Pipes or Plugs, or for any other Purpose, the same shall be done, and the Ground filled and rammed in, and the Road made good, within the Space of Seven Days; and in case the said Company shall neglect or refuse, by the Space of Seven Days next after such Pipes shall have been laid down or repaired as aforesaid, to commence filling in and repairing the Ground, and making good the Road in manner aforesaid, the Surveyor or Surveyors to such Commissioners or Trustees respectively is and are hereby empowered to cause the same to be done, and the Expense thereof shall be paid by the said Company to the said Commissioners or Trustees, or their Treasurer for the Time being; and so long as the Ground shall remain so opened as aforesaid the said Company shall secure the same by a Fence or Railing, and to maintain and keep up sufficient Light thereupon from Sunset to Sunrise, as to prevent any Damage or Inconveniences happening to Passengers, Cattle, or Carriages, upon pain of forfeiting any Sum not exceeding Five Pounds nor less than Five Shillings for every Hour that the Ground shall remain open or not secured in manner aforesaid; and whenever it shall happen that by the bursting, breaking, or running of any such Pipes or Plugs the Water shall overflow any Part of the said Road, so as to occasion any Damage or Inconvenience to Passengers, Cattle, or Carriages, or Injury to the Road, then in case the said Company shall, after One clear Day's Notice thereof, neglect to do what shall be necessary to remedy the Danger and Inconvenience arising therefrom, it shall be lawful for the Surveyor or Surveyors of the said Roads respectively to do what he or they shall judge requisite to drain off the Water, and to prevent any Danger or Inconvenience therefrom in future, the Expense whereof shall be reimbursed to such Surveyor or Surveyors by the said Company; all which respective Forfeitures and Sums shall and may from Time to Time be recovered of and from the said Company in such Manner as other Penalties and Forfeitures are by this Act directed to be recovered against the said Company, and when so recovered shall from Time to Time be paid to the said Trustees respectively, or their Treasurer or Treasurers for the Time being, and shall be applied for and towards amending the said Roads respectively.

LXXXVII. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Water by the said

Openings in Pavements to be guarded, &c.

Pipes to be laid Eighteen Inches under Ground.



said Company by virtue of this Act shall be laid Eighteen Inches at least from the Surface of the Soil of every Road, Street, Square, or Place in or through which such Water shall be so conveyed.

Public  
Sewers, &c.  
not to be  
injured.

LXXXVIII. Provided always, and be it further enacted, That the Course and Direction of the present or any future public Sewer or Drain shall not be altered or changed, nor shall they be interfered with, without Three Days Notice in Writing to the Clerk for the Time being of the Commissioners or Trustees for putting in execution the Acts for paving the said Town, or left at his Dwelling House; and that the Company of Proprietors shall replace and make good such Sewers and Drains as soon as conveniently may be.

Mains to be  
kept full.

LXXXIX. And be it further enacted, That all the Mains to be laid down and used by the said Company shall at all Times be kept charged to the full with Water.

For regulat-  
ing Stand  
Cocks during  
Frosts.

XC. And be it further enacted, That it shall not be lawful for the said Company to place or set up, or cause or suffer to be placed or set up, any Stand Cock or Pump, or other Instrument, Machine, or Thing, for the Supply of Water in Times of Frost or otherwise, in any of the said Roads, Streets, Highways, Lanes, and Places, or any of them, or any Part thereof, which shall be furnished with any other than a Metal Cock and Spout to the Satisfaction of the said Commissioners or Trustees, and other Persons in whom the Right of Soil is vested; and if the said Company shall set up or cause or suffer to be set up any Stand Cock, Pump, or other Instrument, Machine, or Thing furnished with any other than a Metal Cock and Spout, which shall not be to the Satisfaction of the said Commissioners, Trustees, or other Persons as aforesaid, they shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

For preserv-  
ing the  
Water clean  
and whole-  
some.

XCI. And in order to preserve the Water clean and wholesome, be it further enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Waterway, 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, Aqueduct, Waterway, 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, Waterway, Feeder, or Pond, or cause any other Annoyance to be done to the Water contained in any such Reservoir, Aqueduct, Waterway, Feeder, or Pond, or to any Water which shall flow into the Reservoirs or other Works, or which shall be collected or used by the said Company for the Purposes of this Act, whereby or by means whereof the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty for  
using Water  
without Con-  
sent;

XCII. Provided always, and be it further enacted, That if any Person shall take or use, or cause, permit, and suffer to be taken or used, any Water



Water from or out of any Reservoir or Aqueduct which shall be made or laid by virtue of this Act, without the previous Consent of the said Company, or if any Person supplied with Water by virtue of this Act shall, without the previous Consent of the said Company, supply any other Person with any Part of such Water, or if any Person shall wilfully let off or cause to run to Waste any Water from such Reservoir or Aqueduct, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds; and it shall be lawful for the said Company, if they shall 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.

for supplying others; or for wilfully letting off Water;

XCIH. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever supplied with Water by virtue of this Act to any Penalty or Forfeiture for supplying any Person whomsoever with any Quantity of such Water in case of Fire, or for supplying any Person actually supplied with Water by the said Company during any Time that the Pipe or Pipes, Cock or Cocks, belonging to such Person, 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.

except in certain Cases.

XCIV. And be it further enacted, That it shall be lawful for any Engineer, or any other Person acting by or under the Authority of the said Company or their Directors, at any Time or Times between the Hours of Eight in the Forenoon and Nine in the Afternoon, giving One Hour's previous Notice of their Intention, to enter into any House, Building, or other Premises supplied with Water by the said Company, 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, and if the Pipes or Cocks be in good and proper Repair; and if such Engineer or other Person acting by or under the Authority of the said Company or their Directors shall at any such Time, and having given such Notice as aforesaid, be refused Admittance or Entrance into any such Dwelling House, Buildings, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for the said Company to cut and turn off, or cause to be cut and turned off, the Water supplied by the said Company from such House, Building, or other Premises.

Company may enter Premises, and see that there is no Waste of Water.

XCV. And be it further enacted, That in order to prevent as much as possible the wilful and negligent Waste of Water, each and every Person supplied with Water by the said Company shall, and he, she, and they are hereby required to provide a proper Cistern or Cisterns of Lead, Brick, or 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 Stopcock, and to affix or cause to be affixed the same to the Pipe conducting the Water from the Main or Service Pipe belonging to the said Company to such Cistern or Cisterns, for the Purpose of

Cisterns to be provided, to prevent Waste.



preventing the Water running into such Cistern or Cisterns from running to waste when the same shall be full ; and in case any Person supplied with Water by the said Company shall neglect to provide such Cistern or Cisterns and also such Balls or Stopcocks, and to affix or cause to be affixed the same in manner aforesaid, for the Purpose of preventing the Water from running to waste when such Cistern or Cisterns shall be filled as aforesaid, it shall be lawful for the said Company or their Directors, or any Person acting by virtue of or under the Authority of the said Company, 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 or Stopcock shall be provided and added in manner aforesaid.

Penalty on opening Locks, or doing any Damage to the Works.

XCVI. And be it further enacted, That if any Person shall throw any Ballast, Gravel, Stone, or Rubbish into any Part of the said Waterworks, Reservoirs, Aqueducts, Trenches, 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 Waterworks, or snare, angle, or take any Fish out of the same, or if any Person shall wilfully flush or draw off or cause to be flushed or drawn off the Water from any Part of the said Waterworks, or shall leave any of the Valves or Cloughs open and running 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 Waterworks, so as to mis-spend 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 Ten Pounds.

Punishment for destroying Works.

XCVII. And be it further enacted, That if any Person shall knowingly, wilfully, or maliciously break, throw down, damage, or destroy any Banks or other Works erected, made, or maintained by virtue of this Act, every Person so offending shall be adjudged guilty of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported beyond the Seas for the Term of Seven Years, or, in mitigation of such Punishment, such Court may award Sentence as the Law directs in Cases of Petit Larceny.

For securing transient Offenders.

XCVIII. And be it further enacted, That it shall be lawful for any of the said Proprietors or their Surveyor or other Officers respectively, and such Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person who shall commit any Offence against this Act, and take him or her before any Justice of the Peace for the County or Riding where the Offence shall be committed (as the Case may require), and such Justice shall and is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

Recovery and Application of Penalties.

XCIX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying and recovering whereof



whereof is not herein otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said County of *Warwick* or for the said Town of *Birmingham*, within their respective Jurisdictions, on Complaint to them for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath or Affirmation such Justices are hereby authorized to administer,) and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted), and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Guardians or Overseers of the Poor of the Parish of *Birmingham*, to be applied and disposed of towards the Relief of the Poor of the said Parish; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices, and they are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before such Justices, or before some other Justices of the Peace for the said County of *Warwick* or for the said Town of *Birmingham*, (within their respective Jurisdictions,) on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or shall otherwise be discharged by due Course of Law.

C. And be it further enacted, That in all Cases where any Con- Form of  
 viction shall be had for any Offence or Offences committed against Conviction.  
 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



of the Conviction may be in the Words or to the Effect following ; (that is to say,)

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

Directing  
 what shall  
 be good  
 Service of  
 Notice on the  
 Company.

CI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon Three of the Directors of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

In case of  
 Nonpayment  
 of Compens-  
 ation for  
 Damages,  
 &c. the same  
 to be levied  
 by Distress  
 of the Goods  
 of the Com-  
 pany or their  
 Treasurer.

CII. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made from the said Company, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant, under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid ; and in case any Overplus shall remain, after Payment of such Sum of Money, and the Costs and Expenses of hearing and determining the Matter in dispute, and also the Costs and Expenses of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company or to their Treasurer for the Time being, as the Case



Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expenses as he shall have sustained or be put unto by virtue of such Warrant as aforesaid.

CIII. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

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

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

Justices may proceed by Summons for the Recovery of Penalties.

CV. 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 or Order of the said Company of Proprietors or their Directors, or by any Order, Judgment, or Determination 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 Four 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 Sessions of the Peace to be holden in and for the said County, City, Town Corporate, or Place in which the Cause of Appeal shall arise, first giving Twenty-one Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, Town Corporate, or Place, with Two sufficient Sureties, conditioned to try such Appeal and to abide the Appeal or Award of the said Court thereon; and the said Justice 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 such County, City, Town Corporate, and Place;

Allowing an Appeal.

[Local.]

36 A—B

and



and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any 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.

Proceedings  
not to be  
quashed or  
removed by  
Certiorari.

CVI. 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.

Distress not  
unlawful for  
Want of  
Form.

CVII. 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 any Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Plaintiffs not  
to recover  
without  
Notice or  
after Tender  
of Amends.

CVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for anything 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, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiffs or Plaintiff, 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 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.

CIX. And be it further enacted, That if any Action or Suit shall be brought or commenced against the said Company, or any Person or Persons, for anything done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuance of Damages then within Three Calendar Months next after the doing or committing



committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County or Place where such Matter or 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 happen to have been so done, or if any such Action or Suit shall have been brought before the Expiration of Fourteen Days 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; and if the Plaintiff or Plaintiffs shall become nonsuited, 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, the Defendant or Defendants shall have Double Costs, or shall have such Remedy for the same as any Defendant for Costs of Suit in other Cases by Law.

CX. And be it further enacted, That the said Waterworks, Aqueducts, Reservoirs, and Feeders shall not be subject to or under the Control, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers. Not to be subject to Commissioners of Sewers.

CXI. And be it further enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by this Act to any other Company now existing or which may hereafter be established for the supplying of Water, or to any Body Politic or Corporate, or to any Person whomsoever, nor to sell or dispose of, either temporarily or permanently, to any such Company, any of their Mains or Pipes lying in the Ground, or any of their Works standing and erected in pursuance of this Act, nor to enter into any Agreement, Understanding, Compromise, or Combination whatsoever with any such other Company for regulating or withdrawing. Company not to sell their Rights, &c.

CXII. And be it further enacted, That in case the Works by this Act authorized to be executed shall not be completed, so as to answer the Purposes for which they are designed, within Seven Years from and after the passing of this Act, all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to such and so much of them as shall have then been completed. Time limited for completing Works.

CXIII. 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. Public Act.



SCHEDULE to which this Act refers.

Description of Property.	Owners.	Occupiers.	No. on Plan.
Mill, Yard, and Buildings	Stephen Wally -	James Collins -	2.
Rick Yard - -	Ditto -	Ditto - -	4.
Garden Ground - -	Ditto - -	Ditto - -	7.

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