


ANNO QUINTO

# GEORGII IV. REGIS.

## CAP. XLIX.

**An Act for enabling the Commissioners for Victualling His Majesty's Navy to purchase certain Premises, for completing a Victualling Establishment at *Cremill Point* near *Plymouth* in the County of *Devon*, and for supplying the said Establishment with Water.** [3d *June* 1824.]

WHEREAS it has been deemed necessary to erect Messuages, Offices, Storehouses, and Buildings, and to form a Victualling Establishment at *Cremill Point*, in the Parish of *East Stonehouse*, near *Plymouth*, in the County of *Devon*, for the Purpose of victualling and supplying the Ships of His Majesty's Navy, resorting to, using, and being in the Harbours, Roads, and Havens within the Port of *Plymouth*; and it is necessary for completing the said Establishment, that Powers should be given to the Commissioners for Victualling His Majesty's Navy to purchase for and on Behalf of His Majesty, His Heirs and Successors, and to take and use for the Public Service, all such Lands, Messuages, Tenements, Hereditaments, and Premises, situated at *Cremill Point* aforesaid, or within the Peninsula of *Cremill*, as the said Commissioners shall have contracted to purchase, or as they shall think necessary and required for the Public Service, together with all the Freehold, Leasehold, and

other Interests in the same: And whereas it is of great Importance that the said Victualling Establishment at *Cremill Point* should be furnished with an adequate Supply of fresh and wholesome Water, for the Use thereof: And whereas an Act was passed in the Twenty-seventh Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for the Preservation of the Haven of* Plymouth; by virtue of which same Act the Mayor and Commonalty of the Town of *Plymouth* were authorized and empowered to dig or mine a Ditch or Trench, containing in Breadth between Six or Seven Feet over, and in all Places through and over all the Lands and Grounds lying between the said Town of *Plymouth* and any Part of the River *Mew* alias *Mevie*, and to dig, mine, break, bank, and cast up all and all Manner of Rocks, Stones, Gravel, Sand, and all other Letts, in any Places or Grounds, for the convenient or necessary conveying the same River to the said Town; which said Trench or Ditch was accordingly cut and dug, and is now commonly known as the *Plymouth Leat*, commencing at a certain Part of the said River *Mew* or *Meavy* called the *Weir Head*, and from thence passing through the Parishes of *Sheepstor*, *Shaw*, *Meavy*, *Bickleigh*, *Buckland*, *Monachorum*, *Tamerton Folliot*, *Saint Budeaux*, the Tithing of *Pennycross* otherwise called *Weston Peverall*, and to the Parishes of *Saint Andrew* and *Charles*, in the said Town of *Plymouth*; and the Inhabitants of the said Town and Borough, and Merchants Ships and Vessels resorting to the said Port, are supplied with Water therefrom, by the Mayor and Commonalty of the said Town, under the Powers, Authorities, and Directions of the said Act: And whereas a full and adequate Supply of Water might be afforded to the said Victualling Establishment at *Cremill Point*, and also to the Royal Naval Hospital at *East Stonehouse* aforesaid, from the said Trench or Leat, and the said Mayor and Commonalty are willing to furnish the same; but in order thereto it is expedient that Powers should be given for enlarging and deepening the said Trench or Leat, and cleansing and repairing the Bed and Banks thereof, and for making, constructing, and establishing Dams and Reservoirs, and laying down Pipes or Tunnels, and doing all other necessary Acts, and making all needful Works, and also for entering into, taking, and purchasing Lands and Grounds for that Purpose: And whereas the Powers of the said recited Act are not sufficient for preserving the Water in the said Trench or Leat, and preventing Nuisances and Annoyances therein, and further Provisions are required for that Purpose, and for securing a constant Supply of Water to the said Town of *Plymouth*, for the Use of the Inhabitants thereof, and the Ships and Vessels resorting thereto, as well as to the said Victualling Establishment at *Cremill Point* and Naval Hospital aforesaid: 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 it shall and may be lawful for the said Commissioners for Victualling His Majesty's Navy, their Deputies, Servants, Agents, and Workmen, and they are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, situate, lying, and being between the said Trench,

27 Eliz. c. 20.

Establishing a Reservoir, and conveying Water to Victualling Establishment and to Naval Hospital.

 called

called the *Plymouth Leat*, and the said Victualling Establishment at *Cremill Point* aforesaid, and to survey and take Levels of the same or of any Part thereof, and at the proper Costs and Charges of His Majesty, His Heirs and Successors, to make, construct, and establish, at a convenient Spot, the Property of His Majesty, adjoining a Lane called *No Place Lane*, leading from the Northern Turnpike towards the said Naval Hospital at *East Stonehouse* aforesaid, a Reservoir for receiving and keeping the Water to be supplied from the said Trench or Leat to the said Victualling Establishment and Naval Hospital; and also to make, lay down, construct, and establish such Main Pipes, Service, Communication, and other Pipes, Branches of Lead, Cocks, Plugs, Drains, Penstocks, Sluices, and other Works, in such Manner and of such Structure as they shall think proper for conveying the Water from the said Reservoir in *No Place Lane* to the said Victualling Establishment at *Cremill Point* and Naval Hospital, and there distributing the same; and for the Purposes aforesaid to enter upon, dig, break up, and remove the Soil, Posts, Kirbs, Bars, Sewers, Drains, Pavements, and gravelled Ways of and in any of the Streets, Roads, Lanes, Passages, Highways, and public Places lying in the Direction between the said intended Reservoir and the said Victualling Establishment and Naval Hospital respectively; and to bore, dig, cut, trench, get, remove, take, carry away, and lay any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel, Sand, or any other Matters or Things which may be dug or got in making the said intended Reservoir, or laying down the said Works, or doing any other Work or Matter for conveying and distributing the said Water, or which may hinder, prevent, or obstruct the making, using, completing or maintaining of such Reservoir, Pipes, Branches, and other Works, as may be necessary and proper to convey and distribute Water from the said Trench or Leat to the said Victualling Establishment and Naval Hospital, and from Time to Time, as Occasion may require, to alter the Position of, and to repair, relay, and maintain such Reservoir, Pipes, and other Works, made, laid, constructed, and established by them, and to do all such other Acts, Matters, and Things as shall from Time to Time be necessary or proper for completing, improving, repairing, amending, maintaining, and using the several Works authorized to be done as aforesaid; they the said Commissioners, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be, and effectually repairing all such Streets, Roads, Lanes, Passages, Highways, and public Places, which shall be opened, broken up, or used in carrying on and completing the several Works herein-before described.

Corporation of Plymouth and Commissioners for Victualling the Navy to make a Dam at the Weir Head, and to cleanse and deepen the Leat, and repair the

II. And be it further enacted, That it shall and may be lawful for the said Mayor and Commonalty of the Town of *Plymouth*, and for the said Commissioners for Victualling His Majesty's Navy, at the Expence of the said Mayor and Commonalty and of the said Commissioners, in the Proportions herein-after mentioned, to make, construct, and establish a Dam at a certain Place on the said Trench or Leat known as the Weir Head, and also such other Dams, Weirs, Sluices, Reservoirs, and other Works, as they may think necessary for affording the said Supplies of Water, and also to enlarge, widen, open, deepen,

Bed, Banks, and Works thereof.

deepen, cleanse, and scour the said Trench or Leat and the Bed thereof, and to raise, cut, and repair the Banks thereof, and to repair all Dams, Weirs, and other Works now belonging thereto, or used or provided for supplying the said Town and Borough of *Plymouth* with Water, in such a Manner as to them respectively shall seem fit and necessary for obtaining and securing a full and constant Supply of fresh Water, as well to the said Victualling Establishment at *Cremill Point* and Naval Hospital, and any other Establishments belonging to His Majesty, as herein-after mentioned, as to the said Town and Borough of *Plymouth*; and the said Mayor and Commonalty, and the said Commissioners for Victualling His Majesty's Navy, their Deputies, Agents, Servants, and Workmen respectively, are hereby authorized and empowered to enter upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, or of any Tenant or Tenants, Lessee or Lessees of the said Mayor and Commonalty, near to or adjoining the said Leat, for the Purpose of making, constructing, and establishing the said intended Dam at the Weir Head, and all such other Dams, Aqueducts, Bridges, Weirs, Sluices, Reservoirs, Works, Matters, and Conveniences, as they shall think necessary and proper, as well for the providing and securing the said Supplies of Water for the Purposes aforesaid, as also for viewing, preserving, improving, cleansing, scouring, repairing, and maintaining the said Trench or Leat, and the Banks and Works thereof respectively; and also to bore, dig, cut, remove, take, and carry away any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may hinder or obstruct the Flow of Water in, through, or from the said Trench or Leat, according to the Intent and Purpose of this Act; the said Mayor and Commonalty, and the said Commissioners, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Matters aforesaid; and in case of any new Cuts, Weirs, Sluices, Dams, Aqueducts, or other Works being erected, made, or established on any Lands or Grounds adjoining to the said Trench or Leat, or in case of the said Trench or Leat being enlarged and widened to more than the said Breadth of Seven Feet in the said recited Act mentioned, then and in such Cases (but not otherwise) making such Satisfaction, in Manner herein-after mentioned, to the Owners, Proprietors, and Occupiers of and all Persons interested in the Lands and Grounds which shall be taken, used, occupied, or prejudiced, for all Damages to be by them sustained in or by the Execution of the Powers of this Act: Provided always, that nothing herein contained shall authorize the said Commissioners to make any Alteration in the Bed or Banks of the said Trench or Leat, without the Licence, Concurrence, and Approbation of the said Mayor and Commonalty, nor to authorize the said Commissioners and the said Mayor and Commonalty, or either of them, to take or use, for the Purposes of this Act, any Lands or Grounds adjoining to the said Trench or Leat, in its Course from the Weir Head through the several Parishes and Places aforesaid, to the said intended Reservoir in *No Place Lane*, to a greater Distance than One hundred Yards from either Side thereof, without the Consent of the Owners of such Lands or Grounds.



III. And

Corporation of Plymouth to supply daily 400 Tuns of Water, for which they are to receive a Rent of 250*l.* per Annum.

III. And be it further enacted, That when the said Reservoir in *No Place Lane*, and other Works herein-before mentioned, or such of them as shall be sufficient for the Purpose, shall be completed, the said Commissioners for Victualling His Majesty's Navy shall give Notice thereof to the said Mayor and Commonalty, and shall require them to furnish the same with Water; and from thenceforth the said Mayor and Commonalty shall, and they are hereby required to convey from the said Stream or Leat, by a Sluice or such other Ways and Means as they may judge proper, a Supply equal to Four hundred Tuns daily of pure wholesome fresh Water into the said Reservoir of the said Commissioners, to be from thence conveyed and apportioned and distributed among the different Departments of the said Victualling Establishment at *Cremill Point* and the Naval Hospital aforesaid, in such Manner as the said Commissioners shall think fit; the said Quantity of Water to be supplied in constant Currents to the full Diameter of the Bore of the Pipe or Pipes, when the said Pipes lie in an horizontal Position (inevitable Accidents by breaking of the Pipes, Inclemency of Weather, or during the necessary Repair of the Pipes, respectively, only excepted); in consideration whereof the said Mayor and Commonalty, and their Successors, shall be entitled to and shall have and receive a net annual Rent or Sum of Two hundred and fifty Pounds, free and clear of any Deduction (except as herein-after mentioned), payable quarterly by Victualling Bills, called Ready Money Bills, to be drawn upon the Treasurer of His Majesty's Navy for the Time being; the said Rent to commence on the First usual Quarter Day after the passing of this Act.

If required, the Corporation are to furnish a further Supply of 80 Tuns of Water daily, for which they are to receive a further Rent of 50*l.* per Annum.

IV. And be it further enacted, That if the said Commissioners for Victualling His Majesty's Navy for the Time being shall at any Time hereafter require a further Supply of Water for the Use of the said Victualling Establishment at *Cremill Point*, or for the Use of His Majesty's said Naval Hospital at *East Stonehouse*, or of any other Buildings, Stores, or Establishments belonging to His Majesty, or held or occupied for the Public Service, then and in that Case, upon Notice or Signification thereof in Writing being given by the said Commissioners, or any Three of them, to the said Mayor and Commonalty, the said Mayor and Commonalty or their Successors shall, and they are hereby required, as soon after the Receipt of such Notice as may be, to convey from the said Trench or Leat, by a Sluice or such other Ways and Means as they may judge proper, a further Supply equal to Eighty Tuns daily of pure wholesome fresh Water, into the said Reservoir of the said Commissioners, or unto such other Place as the said Commissioners for the Time being shall for that Purpose nominate and appoint; and it shall thereupon be lawful for the said Commissioners for the Time being, at the Costs and Charges of His Majesty, His Heirs and Successors, to make, construct, lay down and establish, and afterwards repair, support, and maintain, such additional Reservoir or Reservoirs, and such additional Pipes and other Works, and do all such further Matters and Things as may be necessary and expedient for conveying the said additional Supply of Water from the said Trench or Leat to the Place or Places to be supplied therewith; all such additional Works to be done, made, laid down, constructed and established, and repaired,

supported, and maintained, under the same Powers, Authorities, and Provisions, and in the same Manner, as are and is herein-before given, provided, and directed, with regard to the making and constructing the said Reservoir and other Works by the said Commissioners, for conveying Water to the said Victualling Establishment at *Cremill Point* and the Naval Hospital aforesaid; and in consideration of such further Supply of Water, the said Mayor and Commonalty shall be entitled to and shall have and receive a further net annual Rent or Sum of Fifty Pounds, free and clear of any Deduction (except as herein-after mentioned), payable quarterly, and by Bills, in the same Manner as the said Rent of Two hundred and fifty Pounds is directed to be paid; the said further Rent of Fifty Pounds to become payable on the Quarter Day next ensuing the Day on which it shall be certified by the Commissioners for the Time being for Victualling His Majesty's Navy, that such additional Supply of Water has commenced.

Engineers, Surveyors, &c. to be appointed.

V. And be it further enacted, That it shall be lawful for the said Mayor and Commonalty, and the said Commissioners, jointly to nominate, appoint, and employ such and so many Engineers, Surveyors, Workmen, and others, as they may think necessary and proper for making, constructing, and establishing the said Dam at the Weir Head, and any other Dams, Weirs, Sluices, and other Works on the said Trench or Leat, and of repairing the present Works and the Bed and Banks thereof, and of enlarging, widening, deepening, cleansing, and scouring the said Trench or Leat, to be done by the said Mayor and Commonalty, and the said Commissioners for Victualling His Majesty's Navy, as herein-before mentioned; but in case the said Mayor and Commonalty shall neglect or refuse, for the Space of One Month next after the passing of this Act, to join the said Commissioners in such Nomination and Appointment, then the said Commissioners shall, and they are hereby authorized, alone, and without the Concurrence of the said Mayor and Commonalty, to appoint and employ such Engineers, Surveyors, Workmen, and others, for the Purposes aforesaid; and that the Cost, Charges, and Expences of the said Works as last herein-mentioned, shall, in the first place, be paid and defrayed by the said Commissioners, for and on account of His Majesty; and if such Costs, Charges, and Expences shall exceed the Sum of One thousand five hundred Pounds, then and in such Case the said Mayor and Commonalty shall be liable to and shall repay to the said Commissioners the Sum of Seven hundred and fifty Pounds, and all the Rest and Excess of the Expenditure shall be at the Costs and Charges of His Majesty, His Heirs and Successors; and in case such Costs and Charges shall not amount to or shall not exceed the Sum of One thousand five hundred Pounds, then the Amount of such Costs and Charges shall be equally divided between the said Commissioners and the said Mayor and Commonalty, and the said Mayor and Commonalty shall be liable to and shall repay to the said Commissioners One Half of such Amount; and for providing for such Repayments, it shall and may be lawful for the said Commissioners for the Time being, out of the annual Rents or Sums of Money payable to the said Mayor and Commonalty for the Supply of Water as aforesaid, yearly and every Year to deduct and retain the Sum of One hundred Pounds,

How the Expences of making the Dam at the Weir Head, and repairing the Leat, and the Bed and Banks and Works, are to be borne and defrayed.

until the Whole of the Principal Sum or Sums of Money so to be repaid by the said Mayor and Commonalty to the said Commissioners, shall be paid off and discharged.

The Leat and Dam and other Works to be repaired for Two Years by the Commissioners of Victualling, and after that Time by the Corporation.

VI. And be it further enacted, That when the said Trench or Leat shall be widened and enlarged, scoured, cleansed, and deepened, and the Banks and Dams, Weirs, and other Works thereof repaired, and the said Dam at the Weir Head, and any other new Dams, Weirs, Sluices, or other Works, which may be made under the Authority of this Act, at the joint Expence of the said Mayor and Commonalty and the said Commissioners for Victualling His Majesty's Navy, shall be completed, and shall be certified by Writing under the Hands of the Engineers or Surveyors to be appointed by the said Mayor and Commonalty and the said Commissioners, the said Trench or Leat, and the Banks thereof, and all such Dams, Weirs, Sluices, and other Works thereon, shall be maintained, repaired, and supported by the Commissioners for the Time being for Victualling His Majesty's Navy, at the Costs and Charges of His Majesty, His Heirs and Successors, for the Period of Two Years then next ensuing, and at the Expiration of that Time shall be given up to the said Mayor and Commonalty in good Order and Repair; and from thenceforth the said Mayor and Commonalty shall, at their own Costs and Charges, maintain, cleanse, scour, repair, and support the said Trench or Leat, and the Banks, Dams, Weirs, Sluices and Works thereof, in a proper and efficient State for supplying the said Victualling and other Establishments, and the said Town of *Plymouth*, with a full and sufficient Supply of fresh and wholesome Water.

In case of the Supply of Water failing from the defective State of the Leat or the Works, if the Corporation neglect to repair, the Commissioners may do it, deducting the Expence from the annual Rent.

VII. And be it further enacted, That when and as often as, after the Expiration of the said Period of Two Years, any Failure or want of Supply of the full Quantity of Four hundred Tuns, and Eighty Tuns (if required) of fresh and wholesome Water, to be daily supplied as herein-before mentioned, shall occur, the Commissioners for the Time being for Victualling His Majesty's Navy shall cause Notice in Writing of such want of Supply to be given to the said Mayor and Commonalty; and if such Failure and want of Supply shall be occasioned by any Obstruction or Defect of Repair in the said Trench or Leat, or the Bed or Banks thereof, or in any Dam, Weir, Sluice, Aqueduct, Pipe, or other Work, to be repaired and maintained by the said Mayor and Commonalty, and the said Mayor and Commonalty shall not, for the Space of Six Days after the Delivery of such Notice, cause the Obstruction to be removed, or the Repairs to be made, done, and completed, and the full Quantity of Water furnished, then and in every such Case it shall and may be lawful for the Commissioners for the Time being for Victualling His Majesty's Navy to cause such Obstruction to be removed, or such Repairs to be done and completed, and to deduct and retain the Amount of the Expence thereof out of the accruing Rent or Sum payable to the said Mayor and Commonalty; any thing herein contained to the contrary notwithstanding.

If a further Supply of Water should

VIII. And be it further enacted, That if at any Time hereafter a further Supply of Water shall, for the Purposes of the said recited Act

be wanted from the River Mew, the Corporation may obtain it without making any Compensation, unless they alter the Course of the River, or enlarge or widen the Leat.

Act or this Act, be required from the said River *Mew* otherwise *Meavy*, it shall and may be lawful for the said Mayor and Commonalty to take and obtain the same, and for that Purpose to make such new Reservoirs, Dams, Weirs, Flood Gates, Sluices, and other Works, as they shall deem necessary, for conveying such further and additional Quantities of Water as may be required from the said River *Mew* or *Meavy*, into the said Trench or Leat: Provided that in case the said Mayor and Commonalty, in effecting the same, shall alter the Course and Current of the said River, or enlarge or widen the said Trench or Leat to more than the said Breadth of Seven Feet in the said recited Act mentioned; or in case the said Mayor and Commonalty in effecting the same shall do any Damage or Injury to the Lands or Grounds of any Person or Persons, the said Mayor and Commonalty shall make Compensation or Satisfaction to such Person or Persons for such Damage or Injury as may be agreed on: But in case such Person or Persons shall refuse or neglect to enter into such Agreement, or shall refuse to accept, on Tender thereof, any such Sum of Money by way of Compensation or Satisfaction as the said Mayor and Commonalty shall think reasonable, the same shall be settled, ascertained, and awarded by the Verdict or Inquisition of a Jury, in manner herein-after directed, and to which the Provisions herein-after contained as to other Inquisitions shall be held to apply.

For purchasing Lands, &c.

IX. And be it further enacted, That it shall and may be lawful for the said Commissioners for Victualling His Majesty's Navy, and they are hereby authorized and empowered to treat, contract, and agree with the Owners or Proprietors and Occupiers of and Persons interested in all or any of the Lands, Messuages, Tenements, Hereditaments, and Premises, with their Appurtenances, situate and being at *Cremill Point* aforesaid, or within the Peninsula of *Cremill*, in the Parish of *East Stonehouse* in the County of *Devon*, (the said Peninsula being, for the Purposes of this Act, to be taken as all the Land and Ground extending to the Westward of a Line drawn from the Western Boundary Wall of a certain Dwelling House and the Garden thereto belonging, the Property of *Edward Elliott*, now in the Occupation of *John Nicholson* and *Richard Spry*, and also the Western Boundary Wall of a certain Field adjoining to the said Dwelling House on the South Side thereof, and extending thence on to the Sea North and South in *Stonehouse Pool* and *Firestone Bay* respectively), which they the said Commissioners shall think necessary to purchase, for forming and completing the said Victualling Establishment at *Cremill Point*, or otherwise for His Majesty's Service, for the Purchase of the same Lands, Messuages, Tenements, Hereditaments, and Premises, and of all the Freehold, Leasehold, and other Estates, Rights, Titles, and Interests of such Owners, Proprietors, Occupiers, and other Persons therein, and to take, occupy, and use the same for the Purpose of forming and completing the said Victualling Establishment at *Cremill Point*, or in any other Manner that may be necessary for the Public Service, or the Purposes of this Act; and the said Commissioners are hereby also further empowered in like Manner to treat, contract, and agree with the Owners, Proprietors, Occupiers of, and other Persons interested in any of the Lands, Grounds, Tenements, and Hereditaments, and of and in any Mill or Mills or other Premises situated on

the Banks of or adjoining to the said Trench or Leat, or between the same and the said Peninsula of *Cremill*, which the said Commissioners shall deem it desirable and proper to purchase for effecting the Purposes of this Act, or which shall be taken or used for making the said Dam at the Weir Head, or opened or used for laying down, constructing, or establishing any of the Dams, Aqueducts, Weirs, Pipes, Tunnels, Sluices, Cisterns, or other Works to be laid down, made, constructed, and established by the said Commissioners under the Authority of this Act, or which shall be injured or prejudiced thereby, either for the absolute Purchase of such last-mentioned Lands, Tenements, and Hereditaments, Mills and Premises, or for the Satisfaction and Recompence to be made for any Loss, Damage, or Injury occasioned to the same, as they the said Commissioners shall think fit; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or for Years or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, interested in the said Lands, Messuages, Tenements, Hereditaments, and Premises at *Cremill Point*, or within the said Peninsula of *Cremill*, or in the said other Lands, Tenements, and Hereditaments, Mills and Premises, herein-before mentioned respectively, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of the Person or Persons entitled in Reversion, Expectancy, or Remainder after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, and for all and every Person or Persons whomsoever who are or shall be possessed of or interested in any of the said Lands, Messuages, Tenements, or Hereditaments, or Mills and Premises respectively, to contract with the said Commissioners for the Sale of the same, and of their several and respective Estates, Rights, Titles, and Interests therein, or for the Satisfaction and Recompence to be made for any Loss, Damage, or Injury occasioned thereto, and by Conveyance, Lease and Release, Bargain and Sale, Assignment or other Assurance, to sell and convey unto the said Commissioners all or any of the said Lands, Messuages, Tenements, Hereditaments, Mills and Premises, or any Part thereof, as the said Commissioners shall be desirous of purchasing the same for the several Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter or Thing to the contrary notwithstanding; and all the said Lands, Messuages, Tenements, Hereditaments, Mills, and Premises, when purchased or taken in pursuance of this Act, either by Agreement with the Party or Parties respectively entitled to the same, or by the Verdict of a Jury, in manner herein-after mentioned, shall be vested in the Principal Officers and Commissioners of His Majesty's Navy for the Time being, and their Successors in the said Office, according to the respective Nature and Quality of the said Lands, Messuages, Tenements, Hereditaments, Mills, and Premises, and the several Estates and Interests of and in the same respectively, in Trust for His Majesty, His Heirs and Successors, in the same Manner as Manors, Messuages,

Lands, Tenements, and Hereditaments, purchased for the Naval Service, are vested in the said Principal Officers and Commissioners by an Act passed in the First and Second Year of His Majesty's Reign, intituled *An Act for vesting all Estates and Property, occupied by or for the Naval Service of this Kingdom, in the Principal Officers and Commissioners of His Majesty's Navy, and for granting certain Powers to the said Principal Officers and Commissioners*, and shall be held and disposed of under the Provisions and Regulations of the same Act.

1 & 2 G. 4. c. 93.

Form of Conveyance.

X. And be it further enacted, That all Sales, Conveyances, and Assurances to be made to the said Commissioners for victualling His Majesty's Navy, of any Lands, Tenements, or Hereditaments, Mills or Premises, or any Estate or Interest therein, by virtue of this Act, may be made in the Form or to the Effect following; (that is to say),

'I [*or* we, *as the Case may be*] of
'in consideration of the Sum of
'paid to me [*or* to us, *or* into the Bank of *England, as the Case may be*] by the Commissioners for victualling His Majesty's Navy, do 'hereby grant and convey unto the said Commissioners all [*here describe the Premises to be conveyed*], and all my [*or* our] Right, 'Title, and Interest in and to the same, to hold the same unto the 'said Commissioners and their Successors from henceforth and for 'ever, for the Uses and Purposes authorized and directed in and by 'an Act, passed in the Fifth Year of the Reign of His Majesty King 'George the Fourth, intituled *An Act* [*here insert the Title of this Act*]. In witness whereof I [*or* we] have hereunto set my Hand 'and Seal [*or*, our Hands and Seals, *or* our Common Seal, *as the Case may be*], this Day of in the Year of our 'Lord .

And that every such Sale, Conveyance, and Assurance made in manner aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to divest and remove all Right, Title, and Property of and in any such Lands, Tenements, Mills, Hereditaments, or Premises, Estate or Interest so purchased and conveyed as aforesaid, out of the Owner and Proprietor thereof, and all other Persons, and the same shall thereupon, by virtue of this Act, become vested in the said Principal Officers and Commissioners of His Majesty's Navy for the Time being, as herein-before directed; any Law, Statute, Usage, or Thing to the contrary thereof notwithstanding.

Lands of the Duchy of Cornwall may be conveyed for the Purposes of this Act, 3 G. 4. c. 78.

XI. And whereas Lands, Tenements, or Hereditaments, Parcel of the Duchy of *Cornwall*, may be required for carrying the Purposes of this Act into Execution: And whereas an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments, Parcel of the Duchy of* Cornwall, *or annexed to the same;* be it therefore enacted, That it shall be lawful for the Officers of the said Duchy, who by virtue of their Offices and under His Majesty's Warrant are or may be under the Provisions of the said Act authorized or empowered to demise any Lands, Tenements or Hereditaments, Parcel of the said Duchy, to grant or demise, in manner directed by the said recited Act, either in perpetuity or otherwise, any

such Lands, Tenements, or Hereditaments, as may be necessary to be taken or used for the carrying the Purposes of this Act into Execution; any thing in the said recited Act, or in any other Act or Acts of Parliament, or any Law to the contrary notwithstanding.

In case Parties disagree, Purchase Money and Damages to be assessed by a Jury.

XII. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or Years or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, or any other Person or Persons seised and possessed of, or interested in any of the said Lands, Messuages, Tenements, Hereditaments, Mills, or Premises respectively, or sustaining any Damage as aforesaid, upon Notice in Writing to him, her, or them given, or left at the Dwelling House or Place of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of any of the said Lands, Tenements, Hereditaments, Mills, or Premises, signed by the said Commissioners for victualling His Majesty's Navy, or any Three of them, or by their Secretary, Attorney, or Agent, and signifying the Intention of the said Commissioners to contract for the Purchase thereof, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or other Disability shall be incapable of treating, or shall not or cannot produce a clear Title to the said Premises, or to the respective Estates, Rights, or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, then and in every such Case, any Two or more of His Majesty's Justices of the Peace acting in and for the County of *Devon*, shall, on being required, by or on Behalf of the said Commissioners for victualling His Majesty's Navy, cause the Purchase Money or Value, in case of such Sale, or the Satisfaction and Recompence for Damage, to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County (which Oaths the said Justice or Justices is and are hereby empowered to administer); and in order thereto, the said Justice or Justices are hereby empowered and required, from Time to Time, when applied to for that Purpose, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined concerning the Premises (which Oath the said Justice or Justices is and are hereby empowered to administer); and if any Claim shall be made of any Right or Property in any Land so to be taken below High Water Mark, distinct from the Land adjoining thereto, the Jury, upon being required so to do, shall assess the Value of the Soil covered by the Water of the Sea below High Water, separately and distinct from the Land to which the same shall adjoin; and after the said Jury shall have enquired and assessed such Purchase Money or Value, or such Satisfaction or Recompence, the said Justice or Justices shall thereupon give Judgment for the same; and such Inquisition and Judgment shall be final, binding, and conclusive, to all Intents and Purposes, against all Persons and Parties whomsoever claiming or to claim any Estate in Possession, Reversion, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes

Femes Covert, Idiots, Lunatics, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or Years or in Tail, as well as all and every Person and Persons whomsoever, who shall thereby and from thenceforth be divested, to all Intents and Purposes, of all Right, Title, Claim, Remainders, Reversions, Interest, or Property of, in, to, or out of the same.

Warrant to issue, requiring Sheriff to summon a Jury.

XIII. And be it further enacted, That for summoning and returning such Juries, the said Justice or Justices is and are hereby empowered to issue his or their Warrant in writing, to the Sheriff of the said County of *Devon*, commanding him to impannel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries, to appear before such Justice or Justices at such Time and Place as in such Warrant shall be appointed, and such Sheriff or his Deputy or Deputies is and are hereby required to impannel, summon, and return such Number of Persons accordingly; and out of the Persons so impannelled, summoned, and returned, the said Justice or Justices is and are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service; and all Persons concerned shall have their lawful Challenge against the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Justice or Justices acting in the Premises shall have Power to impose any reasonable Fine or Fines upon the said Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and who, without sufficient Excuse, shall not appear, or appearing shall refuse to be sworn on the said Jury, or on being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, and on any of the Persons who, being required to give Evidence before the said Jury, shall without sufficient Excuse refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no such Fine be more than Fifty Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Ten Pounds on any other Person, for one Offence: Provided always, that the Inquisitions, Verdicts, and Judgments to be recorded as aforesaid, shall be transmitted to the Clerk of the Peace for the said County of *Devon*, and shall be by him registered and kept amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records, to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Verdict to be recorded, and to be good Evidence.

Allowance to Sheriff and Jury.

XIV. Provided always, and be it further enacted, That each and every Juryman who shall be sworn for the Purposes of this Act, shall,

for his Trouble and Expences in the Premises, be allowed the Sum of One Pound One Shilling for each Day's Attendance, and no more; and that the Sheriff, for impannelling, summoning, and returning of each Jury, and taking and recording their Verdict, shall be allowed the Sum of Five Pounds and no more (exclusive of his travelling Expences), which said Allowance, in case of Dispute, shall be settled and determined by any Two Justices of the Peace in and for the said County of *Devon*.

By whom the Expences of the Jury, &c. are to be paid.

XV. And be it further enacted, That in case the Jury or Juries to be summoned and sworn pursuant to the Directions and Authority of this Act, shall give in and deliver a Verdict or Assessment for more Money, as the Purchase Money or Value for the Right, Interest, or Property of any Person or Persons in any of the said Lands, Messuages, Tenements, Hereditaments, Mills, or Premises, or as a Satisfaction or Recompence for any Loss or Damage to be by such Person or Persons sustained, than what shall have been agreed to and offered by the said Commissioners for victualling His Majesty's Navy, before the summoning and returning of the said Jury or Juries, as the Purchase Money or Value, or as a Recompence or Satisfaction for any such Rights, Interest, or Property, or for any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and returning the said Jury, taking such Inquisition, and the Attendance of the said Jury and Witnesses, shall be borne and paid by the said Commissioners for victualling His Majesty's Navy, such Costs and Expences to be settled and ascertained by any Two or more Justices of the Peace for the said County of *Devon*, not interested in the Matter in question, who are hereby authorized and empowered to settle and determine the same; but if any such Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Commissioners before the summoning and returning of the said Jury or Juries, as the Purchase Money or Value for any such Right, Interest, or Property in any such Lands, Messuages, Tenements, Hereditaments, Mills, or Premises, or as the Recompence and Satisfaction for any Losses or Damages as aforesaid, then the Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled in like Manner by any Two or more such Justices of the Peace for the said County of *Devon*, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such 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; or otherwise such Costs and Expences, in case the same or any Part thereof shall exceed the Sum or Sums so assessed and adjudged, and the Excess shall not be paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Commissioners by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures.

If Amount of Compensation for Damages done to Lands be alleged to be under 20*l*. Two Justices may settle the same.

XVI. Provided always, and be it further enacted, That in any Case where the Amount of the Compensation for any Damage done or occasioned in Exercise of any of the Powers in this Act contained, for making the said Reservoir or other Works, or laying down and making any Pipes, Water Ways, Aqueducts, or otherwise, shall be disputed, and it shall be alleged upon Oath, by any Agent or Surveyor of the said Commissioners for victualling His Majesty's Navy, that in his Judgment and Belief such Damage does not amount to the Sum of Twenty Pounds, then the Amount of the Compensation for such Damage shall and may be ascertained and settled by any Two Justices of the Peace in and for the said County of *Devon*, and paid by the said Commissioners to the Party aggrieved, together with such reasonable Costs and Charges as such Justices shall award and allow thereon.

Tenants to deliver Possession after Notice.

XVII. And be it further enacted, That all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, in Possession of any Houses, Buildings, Lands, Tenements, Mills, or Hereditaments, or of any Part thereof, which shall or may be purchased or taken in pursuance of this Act by the said Commissioners for victualling His Majesty's Navy, shall, at the End of Three Calendar Months next after Notice in Writing signed by the said Commissioners, or any Three of them, or by their Secretary, Attorney, or Agent, shall have been given to him, her, or them, or left at his, her, or their last known or usual Place or Places of Abode, or at the Premises which shall be the Subject of such Notice, and upon Payment or Tender being made to him, her, or them of such Recompence or Satisfaction for their Term, Estate, or Interest in the Premises, as shall be mutually agreed upon, or shall in default of such Agreement, or in case such Person or Persons is or are absent or not known, be settled, ascertained, and awarded by the Verdict or Inquisition of a Jury, in manner aforesaid (and to which all the Provisions herein-before contained as to other Inquisitions shall be held to apply), quit and relinquish the said several Premises so in their respective Possessions unto the said Commissioners, or such Person or Persons as shall be appointed by them to receive Possession of the same, for and on Behalf of His Majesty, His Heirs and Successors; and all Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall hold the said Premises, shall, at and from the End and Expiration of such Three Calendar Months, be absolutely void and of none Effect as against the said Commissioners and His said Majesty, His Heirs and Successors; and if any such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate as aforesaid, shall refuse or neglect to, or shall not deliver up the Premises in his, her, or their Possession, at the Expiration of such Three Calendar Months, it shall be lawful for any Justice of the Peace for the said County of *Devon* to issue his Precept or Warrant to the Constables of the Parish or Place wherein such Premises shall respectively be situate, or any of them, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to the Agent of the said Commissioners for and on Behalf of His Majesty, His Heirs and Successors; and the said Constables, and every of them, are

hereby authorized and required thereupon to cause such Possession to be taken and delivered to such Agent accordingly.

Application of Purchase Money amounting to or exceeding 200*l.*

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Messuages, Tenements, Mills, Hereditaments, or Premises purchased or taken or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Tenant for Life or Years or in Tail, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not having the absolute Interest therein, or who shall not produce, or shall not be able to produce a clear Title, to the Satisfaction of the said Commissioners for victualling His Majesty's Navy, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, be paid to one of the Cashiers of the Bank of *England*, with the Privity and to the Account of the Accountant General or King's Remembrancer, or other proper Officer for the Time being of His Majesty's Court of Exchequer at *Westminster*, to the Credit and for the Use and Benefit of the Owners and Proprietors of and Persons interested in such Lands, Messuages, Tenements, Mills, Hereditaments, and Premises; and such Cashier is hereby authorized and required to receive or accept and to give a Receipt or Discharge for the same, mentioning and specifying the Amount, and for whose Use the same is received; and upon the Production of such Receipt or Discharge, the Accountant General, King's Remembrancer, or proper Officer of the said Court of Exchequer for the Time being, is hereby authorized and required to sign a Certificate to the Barons or Judges of the said Court of Exchequer, under his Hand, purporting and signifying that such Money or other Consideration was paid into the Bank of *England* in pursuance of this Act, to the Credit and for the Use and Benefit of such Owners or Proprietors or other Persons interested as aforesaid, and the said Certificate shall be filed or deposited in the said Court of Exchequer at *Westminster*, and an Office Copy thereof, signed by the proper Officer of the said Court for the Time being, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and immediately upon the filing or depositing of such Certificate, the said Lands or Hereditaments shall be and become vested in the said Principal Officers and Commissioners of His Majesty's Navy for the Time being, for the Public Service, in Trust for His Majesty, His Heirs and Successors, as herein-before mentioned.

If less than 200*l.* and amounting to or exceeding 20*l.*

XIX. Provided always, and be it further enacted, That in case such Purchase Money as is lastly herein-before mentioned 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, Messuages, Tenements, Mills, Hereditaments, or Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Hands of one of the Cashiers of the Bank of *England*, with the Privity and to the Account of the said Accountant General, King's Remembrancer, or other proper Officer or Officers of

of the said Court of Exchequer at *Westminster* for the Time being, as aforesaid, in order to be applied in the Manner herein-before directed with respect to Sums exceeding Two hundred Pounds; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners for victualling His Majesty's Navy, or any Two or more of them, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money may be invested in the Purchase of Stock in the Public Funds, and that such Stock when purchased, and the Dividends arising therefrom, may be applied in the Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Order, Direction, or Approbation of the said Court of Exchequer.

Barons of Exchequer, upon summary Application, may direct Payment of Purchase Money.

XX. And be it further enacted, That the Barons or Judges of His Majesty's Court of Exchequer at *Westminster* for the Time being, or any One or more of them, shall and may, and they or he are and is hereby authorized and empowered, in a summary Way, upon Motion or Petition for and on Behalf of any Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Person or Persons interested in or entitled to the Benefit of any Money that shall or may be paid into the Bank of *England* under the Provisions of this Act, or the Interest or Produce thereof; and upon reading an Office Copy of the Certificate directed to be signed by the said Accountant General, King's Remembrancer, or other proper Officer of the said Court for the Time being, concerning the same as aforesaid, and receiving such further Satisfaction as they or he may think necessary, to make and pronounce such Orders and Directions for paying the said Money or any Part of the same, or for placing out such Part thereof as shall be Principal in the Public Funds, or upon Government or Real Securities, and for Payment of the Dividends or Interest thereof, or any Part thereof, to the respective Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or Person or Persons entitled to receive the same, or for laying out the Principal or any Part thereof in the Purchase of other Lands or Hereditaments, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, or Purposes, as the said Lands or Hereditaments, so taken, used, or purchased, stood settled at the Time of the Payment of such Money as aforesaid, or as near as the same can be done, or otherwise for the Disposition of the said Money, or any Part thereof, and the Interest or Produce of the same, or any Part thereof, for the Benefit of the Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or the Person or Persons entitled to or interested in the same respectively, or for appointing any Person or Persons to be a Trustee or Trustees for all or any of such Purposes, as the said Court or Baron shall think just and reasonable; and also for raising and paying the Costs of any such Motion or Petition, and the Proceedings to be had thereupon, or any Part of such Costs, out of the Principal Money paid into the Bank of *England* under the Provisions of this Act, or only out of the Interest or Proceeds thereof, in such Manner and Proportion as he or they in his or their Discretion shall think fit, under the Circumstances of the Case.



XXI. And

Application of Purchase Money if less than 20*l.*

XXI. Provided always, and be it further enacted, That in case such Purchase Money shall be less than Twenty Pounds, then, in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Messuages, Tenements, Hereditaments, or Premises so purchased, taken, or used, in such Manner as the said Commissioners for victualling His Majesty's Navy, or any Two or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, for the Use and Benefit of such Person or Persons so entitled respectively.

On Death of Accountant General, &c. Stock vested in the Successor.

XXII. And be it further enacted, That upon the Death, Resignation, or Removal of any such Accountant General, King's Remembrancer, or other proper Officer of the said Court of Exchequer at *Westminster* for the Time being, all Stocks and Securities vested in him by virtue of this Act shall vest in the succeeding Accountant General, King's Remembrancer, or other proper Officer of the said Court for the Purposes herein-before mentioned, without any Assignment or Transfer thereof; and all Monies paid into the Bank of *England* in pursuance of this Act, and remaining there at the Time of the Death, Resignation, or Removal of any Accountant General, King's Remembrancer, or other proper Officer of the said Court of Exchequer for the Time being, shall vest in the succeeding Accountant General, King's Remembrancer, or other proper Officer of the said Court for the Time being.

No Claim of Damage to be allowed, unless delivered in within Six Months.

XXIII. And be it further enacted, That the said Commissioners for victualling His Majesty's Navy shall not be obliged or allowed, by virtue of this Act, to receive or take Notice of any Claim or Claims, Complaint or Complaints, to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or supposed to be sustained, unless Notice shall have been given thereof, by or on the Behalf of such Person or Persons, to the said Commissioners within the Space of Six Calendar Months next after the Time that such Injury or Damage shall have been sustained, or the doing or Injury thereof shall have ceased.

Power to remove the present Landing Place of Cremill Ferry, and to form a new one.

XXIV. And whereas it is expedient, for the Use of the said Victualling Establishment, and the Purposes of this Act, that Power should be given to the said Commissioners for victualling His Majesty's Navy to remove the present Landing Place of the ancient Ferry of *Cremill*, situate at the North-western Extremity of the said Peninsula, and to form another Landing Place in lieu thereof, and also to stop up the Road leading from the Town of *Stonehouse* aforesaid, across the said Peninsula, to the said present Landing Place, and to set out a new Road in lieu thereof; be it therefore further enacted, That it shall and may be lawful for the said Commissioners for victualling His Majesty's Navy, and they are hereby authorized and empowered, at the Expence of His Majesty, His Heirs and Successors, to form and construct, at some convenient Spot within *Stonehouse Pool*, as they shall judge most convenient, a good and sufficient Hard or Landing Place, in every respect fit and proper for embarking and disembarking His Majesty's Subjects, together with their

Horses and Carriages, and all Goods, Wares, and Merchandizes whatsoever, and for all other Purposes connected with and incident to a public Ferry, and necessary for a Place of landing and embarking; and when such new Hard or Landing Place, and the Road thereto to be made as herein-after mentioned, shall be completed, the said Commissioners for victualling His Majesty's Navy shall cause Notice to be given thereof in the *London Gazette*, and also in any Two or more Newspapers usually circulating in the Counties of *Devon* and *Cornwall*, in which Notice a Day shall be named and appointed for opening such new Hard or Landing Place to the Use of the Public, and which said Notice shall also contain a Direction and Appointment, that from and after a Day to be named therein, the present Landing Place of the Ferry of *Cremill*, at the North-western Extremity of the said Peninsula of *Cremill* as aforesaid, is not to be any longer open to or used by the Public; and from and after the Day to be named in such Notice for opening the said new Hard or Landing Place, the Course and Direction of the said ancient Ferry of *Cremill* shall be from and to such new Hard or Landing Place, instead of from and to the present Landing Place at the North-western Extremity of the said Peninsula; and it shall and may be lawful for all and every Persons and Person to embark from or land at such new Hard or Landing Place, and to embark or land thereat any Horses, Carriages, Goods, or Merchandizes, and to use the same for the same Purposes, and in the same Manner in all respects, as they now can or are entitled to use the present Landing Place at the Western Extremity of the said Peninsula of *Cremill*; and after the Day to be also named in the said Notice it shall not be lawful for any Person or Persons using the said Ferry of *Cremill*, or any other Person or Persons whomsoever, without the Consent and Permission of the said Commissioners for victualling His Majesty's Navy, to land at or embark from the said present Landing Place, or to land at, embark from, or place there any Horses, Carriages, Goods, Wares, or Merchandizes, or in any Manner to use the same, but the said present Landing Place shall be vested in the Principal Officers and Commissioners of His Majesty's Navy, as other Lands and Tenements under this Act are vested in them, from the said Day to be named in the said Notice, freed and discharged from all Rights and Claims of landing at or embarking therefrom, and from all other Rights and Claims whatsoever, as well with relation to *Cremill Ferry* aforesaid, as otherwise: Nevertheless it shall be lawful for the Person or Persons having any Estate, Right, Title, Franchise, or Interest in or to the said present Landing Place and Road, and to the ancient Ferry of *Cremill*, or to the Tolls, Emoluments, or Advantages derived from the said present Landing Place, Road, or Ferry, to have and to hold the same Estate, Right, and Interest, and to receive, take, exercise, and enjoy the same Tolls, Franchises, Emoluments, and Advantages, in, upon, over, and out of the said new Landing Place and new Road, so to be constructed and made by the said Commissioners as aforesaid, as an Equivalent for and in lieu of the said present Landing Place and Road, and the Rights, Tolls, Franchises, Emoluments, and Advantages thereto belonging or appertaining, as fully, to all Intents and Purposes, as the same are now held and enjoyed in respect of the said present Ferry, Road, and Landing Place.

Power to make a new Road, to communicate with the Landing Place, and stop the present one.

XXV. And be it further enacted, That it shall and may be lawful for the said Commissioners for victualling His Majesty's Navy, and they are hereby authorized and empowered, at the Expence of His Majesty, His Heirs and Successors, to make and set out a good and sufficient Road from such Part of the Town of *Stonehouse* aforesaid, as may be necessary to communicate with and to the said new Hard or Landing to be made by them as aforesaid; which said new Road shall be a Common Highway, and shall be in lieu of the said present or old Road leading from *Stonehouse* aforesaid, through or across the said Peninsula, to the said present Landing Place of *Cremill Ferry* aforesaid, and shall be supported, repaired, and maintained in the same Manner, by the same Persons, and under the same Powers as the said present or old Road; and from and after such new Road shall be completed and opened to the Public, the said present or old Road shall be stopped up, and shall be in like Manner as other Lands and Grounds under this Act vested in the said Principal Officers and Commissioners of His Majesty's Navy, freed and discharged from all Rights of Passage, and all other Rights and Claims whatsoever.

For preventing drawing off Water from the Leat.

XXVI. And whereas great Inconveniences have occurred by Persons diverting the Water from the said Trench or Leat, whereby the Supply of a sufficient Quantity thereof to the Town of *Plymouth* has been impeded; for Remedy whereof, be it further enacted, That from and after the passing of this Act it shall not be lawful for any Owner or Occupier of any Lands or Grounds adjoining the said Trench or Leat, or for any other Person or Persons whomsoever, to open any Sluice or Flood Gate of, or in any other Manner to divert, draw, or let off any of the Water from the said Trench or Leat, for any Purpose or Purposes whatsoever, without the Leave and Licence of the said Mayor and Commonalty first had and obtained; and if any such Owner or Occupier, or any other Person or Persons whomsoever shall without such Leave and Licence open any Sluice or Flood Gate, or in any other Manner divert, draw, or let off any of the Water from the said Trench or Leat, either wantonly and mischievously, or for irrigating the adjoining or other Lands, or for any other Purpose or Purposes whatsoever, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Twenty Pounds. Penalty 20*l.*

For preserving the Water clean and wholesome.

XXVII. And in order to preserve the Water clean and wholesome, be it further enacted, That if any Person shall bathe in the said Trench or Leat, or any Reservoir, Aqueduct, Water Way, Feeder or Pond, made, maintained, or supported by the said Mayor and Commonalty of *Plymouth*, or by the said Commissioners for victualling His Majesty's Navy, under the Powers of this or the said recited Act, or shall 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 the said Trench or Leat, or in any such Reservoir, Aqueduct, Water Way, Feeder, or Pond, or cause or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into the said Trench or Leat, or

of into any such Reservoir, Aqueduct, Water Way, Feeder, or Pond, or cause any other Annoyance to be done to the Water contained in the said Trench or Leat, or in any such Reservoir, Aqueduct, Water Way, Feeder, or Pond, whereby or by means whereof the said Water or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such Case, every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds for the first Offence, and Ten Pounds for the second or any subsequent Offence.

Penalty.

For preventing Persons supplied, from supplying others, and for punishing Persons for wilfully letting off the Water.

XXVIII. Provided always, and be it further enacted, That if any Person or Persons shall take or use, or cause, permit, or suffer to be taken or used, any Water from or out of any Reservoir, Cistern, Aqueduct, or Pipe, which shall be made or laid by virtue of this or the said recited Act, without the previous Consent of the said Mayor and Commonalty; or if any Person or Persons so supplied with Water by the said Mayor and Commonalty, shall supply any other Person with any Part of such Water; or if any Person or Persons so supplied with Water by the said Mayor and Commonalty, shall wilfully let off, or shall cause or allow to run to waste, any Water from any Aqueduct, Cistern, Tank, or Pipe; then and in every such Case, every Person so offending, shall for every such Offence forfeit and pay to the said Mayor and Commonalty any Sum not exceeding Five Pounds; and it shall and may be lawful for the said Mayor and Commonalty, their Successors and Assigns, or their Officers and Agents for that Purpose appointed, to cut off or stop the Pipe or Branch used for conveying the said Water into the House, Building, or other Premises of the Person or Persons so offending, from the said Mayor and Commonalty's Main Pipe, at their Will and Pleasure, without any Manner of Action, Suit, Let, or Denial of or by any Person or Persons whomsoever.

Penalty 5*l.*

Except in certain Cases.

XXIX. Provided nevertheless, and be it enacted, That nothing herein contained shall extend or be construed to extend to subject any Person or Persons whomsoever, supplied with Water by the said Mayor and Commonalty, to any Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water, in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks belonging to any Person or Persons supplied with Water by the said Mayor and Commonalty shall or may happen to be out of Repair, such Pipe or Pipes, Cock or Cocks, nevertheless, being repaired as soon as may be after any Damage shall happen thereto.

For enabling the Corporation to enter Premises to see that there is no Waste of Water.

XXX. And be it further enacted, That it shall and may be lawful for any Engineer, or any other Person or Persons acting by or under the Authority of the said Mayor and Commonalty, at any Time or Times between the Hours of Ten in the Forenoon and Four in the Afternoon, to enter into any House, Building, or other Premises supplied with Water by the said Mayor and Commonalty (save and except the Houses, Buildings, or Establishments or Premises belonging to His Majesty, or used or occupied for the Public Service), in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Mayor

and Commonalty; and if such Engineer, or other Person acting by or under the Authority of the said Mayor and Commonalty, shall at any Time or Times, between the Hours of Ten in the Forenoon and Four in the Afternoon, be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, 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 and may be lawful for the said Mayor and Commonalty to cut and turn off, or cause to be cut and turned off, the Water by them supplied from such House, Building, or other Premises, in manner herein-before mentioned.

Penalty on Persons opening the Locks or doing other Damage to the Water Works, 10*l.*

XXXI. And be it further enacted, That if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Trench or Leat, or into any of the said Water Works, Reservoirs, Aqueducts, Trenches, Watercourses or Feeders, made by virtue of this or the said recited Act, or shall wantonly or unnecessarily open or cause to be opened any Lock, Gate, Paddle, Valve, or Clough belonging to the said Water Works, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Water Works, or shall leave open and running any of the Valves or Cloughs belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough in any of the Locks, Stop or Clew Gates on the said Water Works, so as to 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 on destroying Works.

XXXII. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously break, throw down, damage or destroy any Banks, Reservoirs, Mounds, Gates, Flood Gates, Sluices, Pipes, or other Works erected, made, or maintained by the said Mayor and Commonalty, or by the said Commissioners for Victualling His Majesty's Navy, under the Authority of this or the said recited Act, or shall steal, take, or carry away any Flood Gate, Pipe, or Cock, or any Lead, Iron, Copper, Wood, or other Material attached to the said Works, or any of them, or any Part thereof, then and in every such Case, every such Person so offending shall be judged guilty of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or in mitigation of such Punishment, such Court may award such Sentence as the Law directs in Cases of Larceny.

Penalty on Persons interrupting Workmen, 10*l.*

XXXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously hinder or interrupt the said Commissioners for Victualling His Majesty's Navy, or the said Mayor and Commonalty, or their respective Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding

exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption, such Damage to be recovered in like Manner as any Penalty or Forfeiture may by virtue of this Act be recovered.

For securing transient Offenders.

XXXIV. And whereas Offences may be committed against this Act by Persons unknown to the said Commissioners for victualling His Majesty's Navy, and the said Mayor and Commonalty, and their respective Agents, Officers, Servants, and Workmen employed in the Execution of this Act; be it therefore enacted, That it shall and may be lawful for the said Commissioners for the Time being, and the said Mayor and Commonalty, and their Successors, or any of them, or their respective Agents, Officers, or Servants, or any of them, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons unknown to him or them who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed; and such Justice is hereby empowered, directed, and required to proceed to the hearing and determining of the Complaint.

Act not to interfere with the Plymouth Dock Water Company.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable the said Mayor and Commonalty, or their Successors, or any other Person whomsoever, to divert or turn, or in anywise to diminish or interfere with any Spring or Stream of fresh Water running and flowing from any Place whatsoever into the Towns of *Devonport*, *Stoke Damarel*, or *Stonehouse*, or any of them, or by or from which the said Towns, or either of them, or any of the Parts adjacent, are supplied with Water, under the Provisions of an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for supplying the Towns of* Plymouth Dock, Stoke Damarel, Stonehouse, *and the Parts adjacent, in the County of* Devon *with Water*, or to hurt, injure, or prejudice the Company of Proprietors by that Act established, or any other Person or Persons, in the Use, Occupation, or Enjoyment of the said Springs or Streams, nor in anywise to interfere in the supplying the said Towns, or either of them, or any Part thereof, with fresh Water, or any other Place or Places now supplied by the said Company of Proprietors therewith.

33 G. 3, c. 85.

Act not to prejudice Rights of Lords of Manors to Mines, &c.

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Trench or Leat now passes, or in, upon, or through the said Water Works, Reservoirs, Aqueducts, Trenches, Watercourses, or Feeders shall be constructed or made, to the Mines and Minerals lying and being within or under the said Lands or Grounds, but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, or to such Owner or Owners of such Lands or Grounds respectively, subject to the Conditions and Restrictions herein contained, to work, get, take, and carry away to his, her, or their own Use, such Mines and Minerals, he, she, and

and they not thereby injuring, prejudicing, or obstructing the Channel, Course, or free Use of the said Water.

Fines and Forfeitures, how to be recovered.

XXXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, the Manner of levying and Recovery whereof is not particularly herein directed, shall, in case of Nonpayment hereof on Conviction of the Offender or Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace of the County, City, Borough, or Place wherein the Offence shall be committed, or the Offender shall be or reside; which Warrant such Justice is hereby empowered and required to issue, upon the Confession of the Party or Parties, or upon the Evidence of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer); and all Fines, Forfeitures, and Penalties (the Application whereof is not herein particularly directed) shall be paid, one Moiety thereof to the Informer or Party proceeding for the same, and the other Moiety to the said Mayor and Commonalty of the Town of *Plymouth*, to be applied and disposed of for the Use of the said Mayor and Commonalty; and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Form of Conviction.

XXXVIII. And be it further enacted, That in all Cases where any Offence shall be committed against the Provisions of this Act, for the committing of which Offence any Fine or Penalty is hereby imposed, it shall and may be lawful for any Justice of the Peace for the County, City, Borough, or Place where the Offence shall be committed, or where the Offender shall be or reside, and he is hereby required, on Complaint and Application to him made for that Purpose, to issue a Summons, directing the Party complained against to appear before him the said Justice, on a Day and at a Place to be therein named, and thereupon on the Day named, to proceed to hear the Matter of Complaint; and upon Proof of the Offence, either by the Confession of the Party, or on the Oath or Oaths of one or more credible Witness or Witnesses, to convict the Offender; and in all such Cases the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

'BE it remembered, That on this Day of in the Year of the Reign of *A.B.* is convicted before me One of His Majesty's Justices of the Peace for the of having [*setting forth the Offence*], contrary to the Statute in that Case made and provided; and I the said do adjudge him [her, *or* them] to forfeit

'and

'and pay for the said Offence the Sum of . Given 'under my Hand and Seal the Day and Year first above men- 'tioned.'

Appeal.

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved 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 appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace to be holden in and for the County, City, Borough, or Place in which the Cause of Appeal shall arise; and in case the Matter of such Appeal shall arise within the said Borough of *Plymouth*, then such Person or Persons may appeal to the Justices of the Peace at their next General Quarter Sessions, either for the Borough of *Plymouth* or the County of *Devon*, at his or their Option, first giving Twenty-one Days Notice in Writing of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof; and within Ten Days after giving such Notice, entering into a Recognizance before some Justice of the Peace for the County, City, Borough, or Place, with Two sufficient Securities, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice having been given, and of such Recognizance having been entered into, shall either hear and determine the said Appeal at such General Quarter Sessions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be holden for such County, City, Borough or Place, and then shall hear and finally determine the same; and the said Justices may award such Costs to the Parties appealing or appealed against as they the said Justices shall see proper, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons against whom such Determination shall be given; and the Determination of such Quarter Sessions shall be final and conclusive to all Intents and Purposes.

Proceedings not to be quashed for want of Form, or removed by Certiorari.

XL. 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 Offences 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.

Distresses not unlawful for want of Form.

XLI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the

Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Members of Corporation may act as Justices, and Commissioners of Victualling and Members of Corporation, &c. may be Witnesses.

XLII. And be it further enacted, That no Justice of the Peace of the said Borough of *Plymouth* shall be deemed disqualified from acting as such in hearing and determining any Information or Complaint, touching any Offence committed under this Act within his Jurisdiction by reason of such Justice being a Member of the Corporation of the said Mayor and Commonalty; and that no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace under or by virtue of this Act, by reason of being a Commissioner for victualling His Majesty's Navy, or holding any Office under, or being employed by or under the said Commissioners, or by reason of being an Inhabitant of the Town of *Plymouth*, or a Member of the Corporation of the Mayor and Commonalty of the said Town of *Plymouth*, or holding any Office under or being employed by or under the said Corporation; nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

Plaintiff not to recover without Notice, or after Tender of Amends.

XLIII. 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 of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, 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; 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 for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, 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 when the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLIV. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County or Place where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead



the

the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Double Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases of Law.

Public Act.

XLV. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1824.