ANNO DECIMO

VICTORIÆ REGINÆ.

****

Cap. xvii.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* in the County of *Lancaster* to improve such Borough, and to take a Lease of and to purchase the Works of the *Bolton* Waterworks Company.

[8th *June* 1847.]

WHEREAS it is expedient to vest in the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* in the County of *Lancaster* additional Powers for the Improvement of such Borough, and to make better Provisions for enabling them to take a Lease of and to purchase the Works of the *Bolton* Waterworks Company; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and 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 this Act shall be carried into Execution by the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* in the County of *Lancaster*, and that an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign

This Act to be carried into execution by the Corporation of the Borough.

5 & 6 W. 4. c. 76.

Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and all other Laws for the Time being in force affecting the Municipal Corporation of the same Borough, shall, except so far as the same respectively shall be repugnant to or inconsistent with the Provisions or Purposes of this Act, apply to the Purposes of this Act, and to the Mayor, Aldermen, and Burgesses, and the Property for the Time being vested in them or under their Management by virtue or in accordance with the Provisions of this Act, and their Council, Committees, Officers, Agents, and Servants, and all other Corporations and Persons, with reference to such Property, and the Receipts, Payments, Credits, and Liabilities connected therewith, and the Bye Laws, Accounts, Contracts, Appointments, Minutes, Entries, Orders, Damages, Penalties, Indemnities, and other Proceedings and Matters relating thereto; and the said Act and Laws and this Act shall accordingly be carried into execution with respect to the same Borough as One Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression, "The *Bolton* Improvement Act, 1847."

Corporation to cause a Map and Plan to be made of the Borough.

III. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to cause a Map and Plan to be made of the Borough, and to cause to be marked thereon the Course of all existing Sewers and Drains, so far as they can be ascertained, the Lines of Pipes or Conduits for the Collection and Distribution of Water, also the Course of the Pipes for the Distribution of Gas and such other Works, with such other Particulars as the Case may require, and to cause such Map and Plan to be from Time to Time altered and amended, and Additions made thereto, as may be required; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time it shall have been so corrected and amended, shall be kept in the Office of the Town Clerk, and shall be open at all seasonable Times to the Inspection of the Owners and Occupiers of any Lands or Tenements within the Borough.

Contour Lines to be marked on Map, and BenchMarks to be made.

IV. And be it enacted, That the Mayor, Aldermen, and Burgesses shall cause to be inscribed on such Map and Plan, or Copy thereof, a Series of Marks or Figures denoting a complete System of levelling, exhibiting the true Form or Relief of the Ground within the Borough; and shall also cause to be drawn, wherever practicable, Lines of equal Altitude, commonly called Contour Lines, at every Four Feet of Elevation, or at such other Intervals as may appear, upon due Inquiry, to be the best adapted for the Guidance of Works of Sewerage and Drainage, for the Collection and Distribution of Water, and for other public and private Purposes within the Borough; and shall also cause proper Bench Marks to be inscribed and marked at convenient Distances and Places at the Corners of Streets, on Posts, Houses, or other prominent Objects within the Borough, which Bench Marks the Mayor, Aldermen, and Burgesses are hereby authorized to inscribe.

V. Pro-

Ordnance Surveys to be procured.

V. Provided always, and be it enacted, That if any Survey of the Borough shall have been made under the Directions of Her Majesty's Board of Ordnance, upon a Scale of not less than Six Inches to the Mile, it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct a Copy of such Survey to be procured for the Use of the Mayor, Aldermen, and Burgesses; and it shall be lawful for the Mayor, Aldermen, and Burgesses to cause every such Plan to be engraved, printed, or lithographed, and coloured, in such Manner as may appear to them most convenient, and Copies thereof, so engraved, printed, or lithographed, and coloured, to be sold or distributed as they shall think fit.

Corporation may erect public Baths, Fountains, &c.

Public Baths, &c. to be subject to Provisions of 9 & 10 Vict. c. 74.

VI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to provide, erect, repair, and maintain, and to supply with Water, any public Baths and Wash-houses, and open Bathing Places, public Fountains and Water Troughs, in such convenient public Places as to the Mayor, Aldermen, and Burgesses shall appear expedient: Provided always, that any such public Baths and Wash-houses and open Bathing Places shall be subject to the Provisions of an Act passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to encourage the Establishment of public Baths and Wash-houses*, and of any other Act or Acts for the Time being in force extending or amending the Provisions of the same Act.

Corporation to maintain a Fire Police.

VII. And whereas it is expedient that Provision should be made for the Maintenance and Support of a Fire Police within the Borough; be it therefore enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to provide, in some convenient Situation or Situations in the Borough, such a Building or Buildings for Firemen, and for the Reception and Custody of Fire Engines, as the Mayor, Aldermen, and Burgesses shall think necessary, and from Time to Time to alter the Situation of all or any of such Fire Engine Stations.

Corporation to provide Fire Engines, Firemen, &c.

VIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Apparatus for such Engines, and such Fire Escapes and other Implements for Safety or use in case of Fire, and to hire such Horses for drawing such Engines, as they shall think fit, and to employ a proper Number of Persons to act as Superintendents, Firemen, and other Servants for directing, working, and keeping in order such Engines, and to allow them such Salaries or Wages, and to allow to other Persons rendering Assistance at Fires such Remunerations and Rewards, as the Mayor, Aldermen, and Burgesses may think proper, with full Power and Authority to displace and remove all or any of such Superintendents, Firemen, and other Servants from Time to Time, and to appoint others in their Stead, and to do all other Matters and Things which the Mayor, Aldermen, and Burgesses may deem expedient, with a View to the good Government and Utility of such Fire Police.

IX. And

As to Fire Police going out of the Borough.

IX. And be it enacted, That it shall be lawful for the Mayor of the Borough or any of such Superintendents to permit such Engines, and any Part of the Fire Police Establishment, to proceed beyond the Limits of the Borough for the extinguishing of Fire happening to Property in the Neighbourhood thereof, and the Owners, or, in case the Owners shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, the Occupier of such Property shall in such Case defray the actual Expence that may be thereby incurred, and shall also pay to the Treasurer of the Borough, in aid of the Borough Fund, a reasonable Charge for the Use of such Engines and for the Attendance of such Fire Police; and in case of Difference between the Mayor, Aldermen, and Burgesses, and such Owners or Occupiers, the Amount of such Expences and Charges, as well as the Propriety of such Engines and Fire Police so proceeding for the extinguishing of such Fire (if the Propriety thereof be disputed), shall be summarily determined by any Justice, whose Decision shall be final and conclusive on all Parties, and the Amount of such Expences and Charges, in case of Dispute, may be fixed by the Justice, and shall be recovered in like Manner as any Penalties under this Act may be recovered.

Corporation to appoint Inspectors of Slaughter-houses and Meat.

X. And whereas it is apprehended that the Practice of bringing into the Borough and exposing for Sale therein unsound and unwholesome Meat (not only in the public Streets but in various other Places in the Borough) prevails to a great Extent; be it therefore enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses and they are hereby authorized to nominate and appoint such and so many fit and proper Persons to be "Inspectors of Slaughter-houses and Meat," and to see that the several Provisions of this Act are well and truly observed, with such Salaries and other Allowances as the Mayor, Aldermen, and Burgesses may think proper.

Inspectors to make a Declaration to the following Effect.

XI. And be it enacted, That every such Inspector, before he shall enter upon the Duties of his Office, shall make and subscribe, before the Mayor or any Two of the Aldermen of the Borough, a Declaration in the Words or to the Effect following; (that is to say,)

'I *A. B.*, One of the Inspectors of Slaughter-houses and Meat, 'appointed in pursuance of the *Bolton* Improvement Act, 1847, 'do declare, That I will diligently, impartially, and faithfully execute 'the said Office of Inspector of Slaughter-houses and Meat, and to 'the utmost of my Abilities endeavour to cause to be strictly observed 'the Provisions and Regulations prescribed in the said Act, and 'that without Favour or Affection, Prejudice or Malice to any Person 'whomsoever.'

And such Inspectors shall respectively hold Office during the Pleasure of the Mayor, Aldermen, and Burgesses, who are hereby authorized to provide an Office for the Use of such Inspectors.

Inspector may enter and inspect Slaughter-houses.

XII. And be it enacted, That it shall be lawful for any such Inspector and he is hereby authorized and empowered, at all Times in the Day or Night, with or without any Servants or Assistants, to enter into and inspect any House or Place whatsoever now kept or used, or

at any Time hereafter to be kept or used, for the slaughtering or killing of Cattle of any Kind, or for the depositing of the Carcass or Part of the Carcass of any such, by any Person or Persons whomsoever, and also any Building, Shed, Yard, or Place belonging thereto, such House or Place not being the actual Dwelling House of any Person, and then and there to examine, search for, and see if any Cattle, or the Carcass of any such, is or are deposited or have been brought there; and in case such Inspector shall find any Cattle, or the Carcass or Part of the Carcass of any such, which shall appear to be unsound or unwholesome, or not fit for the Food of Man, it shall be lawful for such Inspector to seize, take, and carry away the same, or direct the same to be seized, taken, and carried away by any Servant or Assistant, for the Purpose of being further inspected and examined by competent Persons, and in case upon such Inspection and Examination such Cattle, Carcass, or Part of a Carcass shall be found and be declared to be unsound or unwholesome, or not fit for the Food of Man, the same shall be immediately burnt or destroyed, or otherwise disposed of in such Way as to prevent the same being exposed for Sale or used for the Food of Man.

Justices authorized to grant Warrants to search for unwholesome Meat concealed.

XIII. And be it enacted, That it shall be lawful for any Justice, upon Complaint on Oath made before him that there is Reason to believe that the Carcass or Part of the Carcass of any Cattle which shall have died, or any Carcass or Part of a Carcass which shall on any other Account be unsound or unwholesome, or not fit for the Food of Man, is deposited or concealed in any Dwelling House or other Place whatsoever, by Warrant under his Hand and Seal to cause such House or Place to be searched, and in case any such Carcass or Part of a Carcass shall be found, it shall be lawful for the Person to whom such Warrant may be directed, and his Servants and Assistants, to seize, take, and carry away the same, and to cause such Carcass or Part of a Carcass to be inspected and examined, and burnt or destroyed, or otherwise disposed of as herein-before mentioned.

Power to Inspectors to inspect Meat hawked about or exposed for Sale.

XIV. And be it enacted, That it shall be lawful for any such Inspector and he is hereby empowered to examine and inspect any Flesh, Fish, Fowl, Meat, or other Provisions hawked about for Sale in the Borough, or exposed for Sale in the Borough, by any Person whomsoever; and if upon such Examination and Inspection any such Flesh, Fish, Fowl, Meat, or other Provisions shall appear to be unsound or unwholesome, or not fit for the Food of Man, it shall be lawful for such Inspector, and his Servants and Assistants, to take, seize, and carry away the same, or direct the same to be seized, taken, and carried away, and to cause the same to be inspected and examined, and burnt or destroyed, or otherwise disposed of as herein-before mentioned.

Penalty for exposing for Sale unsound Meat or Provisions.

XV. And be it enacted, That if any Butcher, Dealer in Meat, or other Person shall expose or offer for Sale in the Borough any unsound or unwholesome Meat, Fish, Flesh, Fowl, or other Provisions unfit for the Food of Man, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings, and such Meat, Fish, Flesh, Fowl, or other Provisions shall and may be seized, carried away,

away, and dealt with by any such Inspector, and his Servants or Assistants, in such Manner as is herein-before provided touching the seizing and Disposal of unsound Meat.

Corporation may cause Streets to be watered.

XVI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, as often as they shall think fit, to cause all or any of the Streets within the Borough to be watered, and, if necessary, to lay, erect, and place Pipes, Conduits, Pumps, and Standards in any of such Streets, and to provide any other Apparatus proper for that Purpose, and to remove, alter, and renew the same when and as the Mayor, Aldermen, and Burgesses shall think proper.

Privies and Urinals to be attached to Public Houses, &c.

XVII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to order the Occupier of any Hotel, Tavern, Inn, Public House, Beer House, Eating House, or other such Place to erect, provide, and maintain in or near some convenient Part of his Premises proper and suitable Privies and Urinals, to the Satisfaction of the Mayor, Aldermen, and Burgesses, for the Use and Accommodation of such Premises and the Visitors to the same, and if any Person shall fail herein for the Space of Two Calendar Months next after Notice of such Order he shall forfeit and pay a Sum not exceeding the Sum of Five Shillings for each and every Day's Neglect thereof.

Public Conveniences to be provided.

XVIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to build, provide, maintain, and cleanse such Urinals, Necessaries, and other similar Conveniences in such Situations as they shall deem proper for the Accommodation of the Public.

Penalties on Superintendents, Firemen, and Inspectors for Neglect of Duty.

XIX. And be it enacted, That if any such Superintendent, Fireman, or Inspector, or any Assistant or Servant lawfully employed by him respectively for any of the Purposes of this Act, shall be guilty of any Neglect of Duty, or of any Disobedience of any lawful Order, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence be liable to be imprisoned for any Time not exceeding Ten Days, or to be fined in any Sum not exceeding Forty Shillings, or to be dismissed from his Office, as such Justices shall in their Discretion think meet.

Penalty for assaulting or resisting them.

XX. And be it enacted, That if any Person shall assault or in any way wilfully resist, obstruct, or hinder in the Execution of his respective Duty any such Superintendent, Fireman, or Inspector, or any Assistant or Servant acting in pursuance of his respective Orders, or shall aid and incite any Person so to assault, resist, obstruct, or hinder, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as such Justices shall think meet: Provided always, that nothing herein contained shall prevent any Prosecution by way of Indictment against any Person so offending, but so as that such Person shall not be prosecuted by

Indictment and also proceeded against under this Act for the same Offence.

Repeal of the Power in the Bolton Waterworks Company's Act to lease the Waterworks.

XXI. And whereas by an Act of Parliament passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act more effectually supplying with Water the Town of* Bolton, *and several Townships adjacent thereto, in the County of* Lancaster, it was enacted that it should be lawful for the *Bolton* Waterworks Company to lease to the said Mayor, Aldermen, and Burgesses, and for them to take upon such Lease, the Works or other Property of the Company, and the Water Rents or Rates payable to the Company: And whereas the Terms of such Enactment are not sufficient to enable the Object thereof to be attained, and it is expedient for the better Improvement of the Borough that more effectual Provision should be made for the Attainment thereof; be it enacted, That the said recited Enactment shall be and the same is hereby repealed.

Bolton Waterworks Company to grant and the Corporation of Bolton to accept a Lease of the Waterworks.

XXII. And be it enacted, That it shall be lawful for the Company and they are hereby required, when thereunto requested by the Mayor, Aldermen, and Burgesses, to lease their Works and other Property unto the Mayor, Aldermen, and Burgesses, and it shall be lawful for the Mayor, Aldermen, and Burgesses to enter into and accept such Lease; and it shall be lawful for the Company and the Mayor, Aldermen, and Burgesses to enter into such Contracts as may be requisite for the granting and taking of such Lease, and otherwise with reference thereto, and to carry into execution any Contract with reference thereto which may already have been made by them or with their respective Consent on their Behalf.

Interpretation of the Words "Property" and "demised Property."

XXIII. And be it enacted, That, except so far as shall be repugnant to or inconsistent with the Relation of the Company and the Mayor, Aldermen, and Burgesses as Lessors and Lessees, or with the End and Intention of this Act, the Word "Property" in the Clause lastly herein-before contained, and each of the Words "Property" and "demised Property" herein-after contained, shall comprise all the Lands, Tenements, Hereditaments, Choses in Action, Rights, Easements, Powers, Privileges, and Authorities, Water Rates or Rents, and other Profits and Property whatsoever of or to which the Company now is or hereafter may be seised, possessed, or entitled at Law or in Equity, or entitled at Law or in Equity to hold, use, exercise, enforce, demand, take, or enjoy by virtue of any Act or Acts of Parliament, Contract, or Agreement, or otherwise howsoever, with the respective Appurtenances, and all other (if any) the Property which shall for the Time being be vested in or under the Control of the Mayor, Aldermen, and Burgesses by virtue of such Lease.

Terms of such Lease.

XXIV. Provided always, and be it enacted, That such Lease shall be approved by the Commissioners of Her Majesty's Treasury, and shall be executed within Three Calendar Months next after the passing of this Act, and the Terms of such Lease shall substantially comply with the following Provisions; (that is to say,)

1. The

1. The Term created shall be Fifty Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and forty-seven:
2. There shall not be any Fine paid for the Lease:
3. The Rents reserved shall not exceed the yearly Rent of Four thousand five hundred Pounds, and such a further yearly Rent as shall be equal to Interest after the Rate of Five Pounds *per Centum per Annum* on such a Sum, not exceeding Thirty thousand Pounds, as the Lessors, having expended the Sum of Sixty thousand Pounds for the Purposes for which they were incorporated, shall, after the First Day of *July* One thousand eight hundred and forty-seven, in addition to the said Sum of Sixty thousand Pounds expend at the Request of the Lessees as Capital for the Purposes of the demised Property, or at the Request of the Lessees pay to the Credit of the Lessees to be by them so expended, such Rents being respectively free from all Deductions:
4. Such Rents shall be respectively reserved half-yearly, with proportionate Parts thereof respectively for any broken Half Years:
5. The Lessees shall be restrained from making any Assignment, Under-lease, or other Disposition of the demised Property, or any Part thereof, and from parting with or delegating the Possession or Management of the same without the previous Consent of the Lessors:
6. The Lessees shall be bound to pay all such Interest on the Mortgage Debts of the Lessors, not exceeding the aggregate Principal Sum of Twenty-nine thousand nine hundred Pounds, as shall accrue during the Term:
7. The Lessees shall be bound to pay all such Rents, Taxes, Rates, Assessments, and other Charges, (except Property or Income Tax legally payable by the Lessors,) as during the Continuance of the Term shall be charged on the demised Property, or the Lessors or Lessees in respect thereof, and to indemnify the Lessors against the same:
8. The Lessees shall be bound to maintain during the Continuance of the Term all the demised Lands, Works, and Apparatus in perfect Repair and Condition, and to yield the same in such Repair and Condition, and all other the demised Property, at the Determination of the Term:

And such Lease may contain such Exceptions and Reservations, and such Provisions for Re-entry and Perception of Rents and Profits by the Lessors, for enforcing the Payment, Performance, and Observance by the Lessees of the Rents and Covenants, and such Provisions for the Determination of Differences by Arbitration, and all such other Covenants, Conditions, Clauses, and Provisions whatsoever relating to the demised Property, or the Lessors or Lessees in respect thereof, as they shall mutually agree on, or as shall be contained in or be provided for by any Contract heretofore made, and to be carried into execution as aforesaid.

Approval by the Treasury of such

XXV. And be it enacted, That it shall be lawful for any Three of the Commissioners of Her Majesty's Treasury, in the event of their being

being satisfied that the Terms of such Lease substantially comply with the Provisions of this Act, to testify their Approbation of such Lease by being Parties to and executing the same.

Lease, and Execution thereof.

XXVI. And be it enacted, That such Lease shall be valid and effectual, and shall entitle the Mayor, Aldermen, and Burgesses to the free Use and Enjoyment during the Continuance of the Term of the Undertaking of the Company, and all Profits and Advantages thereof and connected therewith, and, during the Continuance of the Term, all the Powers, Privileges, and Authorities granted to and which are or might be lawfully held, used, exercised, and enjoyed by the Company, or their Directors, Officers, Agents, or Servants, except so far as shall be inconsistent with the Relations of the Company and the Mayor, Aldermen, and Burgesses, as Lessors and Lessees, or the Provisions of this Act, shall in like Manner and to the same Extent in all respects apply to and be held, used, exercised, and enjoyed by the Mayor, Aldermen, and Burgesses, and their Officers, Agents, and Servants, under the same Regulations and Restrictions, so far as the same may for the Time being be applicable to them, as are granted to or imposed on the Company; and the Mayor, Aldermen, and Burgesses shall be possessed of such Undertaking by virtue of such Lease, subject and without Prejudice to any Mortgages, Charges, or Incumbrances which at the Time of the Exeeution thereof may affect the Company or any of the Property thereof, and subject to the then subsisting and continuing Liabilities in respect thereof.

Effect of such Lease.

XXVII. And be it enacted, That during the Continuance of the Term it shall be incumbent on the Company from Time to Time to exercise their Powers, Privileges, and Authorities with respect to any Arrangements which they may be competent to make with their Mortgagees for the Time being, either as to raising or reducing the Rate of the Interest payable to them respectively, or keeping on foot or paying off their respective Mortgage Debts, or with respect to raising by any new Mortgages any Sums of Money required for paying off any existing Mortgage Debts, or for carrying into effect any Arrangements with any existing Mortgagees, and with respect to all other Matters affecting the Mortgage Debts and the Mortgagees of the Company respectively, at such Times and in such Manner as the Mayor, Aldermen, and Burgesses shall direct, and the Company shall not during the Continuance of the Term exercise any of such Powers, Privileges, or Authorities except at such Times and in such Manner as shall be so directed.

Arrangements respecting the Mortgage Debts of the Company.

XXVIII. And be it enacted, That it shall be lawful for the Company, with the Approbation of Three Fifths of the Shareholders thereof who shall be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, and for the Mayor, Aldermen, and Burgesses, with the Approbation of the Commissioners of Her Majesty's Treasury, at any Time or Times during the Continuance of the Term, or before the Execution of such Lease, to revoke or alter any of the Covenants, Conditions, Clauses, and Provisions of such Lease, or of any such Contract for such Lease, and to add thereto any other Covenants, Conditions, Clauses, and Provisions,

Power to modify the Terms of the Lease.

so as the Lease, when so modified, shall not be inconsistent with the Purposes of this Act, and for that Purpose, in the event of any such Revocation or Alteration being made after the Execution of such Lease, it shall be lawful for any Three of such Commissioners, in the event of their being satisfied that the Terms of such Lease, with such Modification thereof, are not inconsistent with the Purposes of this Act, to testify their Approbation of such Modification by being Parties to and executing any Deed or Deeds for that Purpose; and every such Deed, purporting to be made in pursuance of this Act, and under the respective Common Seals of the Company and the Mayor, Aldermen, and Burgesses, and the respective Hands and Seals of any Three of such Commissioners, shall to all Intents and Purposes be valid and effectual according to the Intent thereof, and shall be deemed to be in accordance with the Provisions of this Act, and thenceforth such Lease shall be construed and have effect as so modified.

The Rents and Expences of the Corporation under the Lease to be charged on and their Receipts thereunder to be carried to the Credit of their Borough Fund.

XXIX. And be it enacted, That the yearly Rent or Rents, and all other Sums of Money whatsoever, which according to the Provisions of such Lease and this Act respectively shall become payable by the Mayor, Aldermen, and Burgesses to the Company, and also all other the Costs, Charges, and Expences whatsoever which the Mayor, Aldermen, and Burgesses shall pay or sustain as such Lessees, or otherwise with reference to the demised Property, or in carrying this Act, whether with reference to the demised Property or otherwise, into execution, shall be chargeable upon and paid or satisfied out of the Borough Fund of the Borough, and, until Payment or Satisfaction thereof, shall carry Interest after the Rate of Five Pounds *per Centum per Annum;* and for the Purpose of paying and satisfying all such Costs, Charges, Expences, and Interest, the Mayor, Aldermen, and Burgesses may from Time to Time and when necessary shall levy with and as Part of the Borough Rate of the Borough, or by a separate Rate to be assessed, levied, paid, and recovered in like Manner, and with the like Powers and Remedies, and subject to Appeals against the same in all respects as such Borough Rate, such Sums of Money as shall be from Time to Time necessary in that Behalf, and shall apply the same accordingly, as if such yearly Rent or Rents, Sums, Costs, Charges, and Expences were an Expenditure necessarily incurred in carrying into execution the Provisions of the said Act for the Regulation of Municipal Corporations in *England* and *Wales;* and all the Water Rates or Rents, Charges, Damages, Penalties, and other Sums of Money whatsoever which shall be received by or for the Benefit of the Mayor, Aldermen, and Burgesses, as such Lessees or otherwise, with reference to the demised Property, or in carrying this Act, whether with reference to the demised Property or otherwise, into execution, shall be paid to the Credit of such Borough Fund; and the Mayor, Aldermen, and Burgesses shall keep distinct Accounts of their Receipts, Payments, Credits, and Liabilities, as such Lessees or otherwise, with reference to the demised Property, or the carrying of this Act, with reference to the same, into execution, to be called "The *Bolton* Waterworks Accounts:" Provided always, that if Default shall be made in Payment to the Company of any such yearly Rent or Rents, Sums, Costs, Charges, and Expences payable to the Company, or any Part thereof respectively, for the Space

Space of Thirty Days after the same shall become payable, and after Demand thereof in Writing, the Company may either recover the same from the Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of Her Majesty's Superior Courts of Record at *Westminster*, or may levy the same by Distress and Sale of the Goods and Chattels of the Mayor, Aldermen, and Burgesses; provided also, that all Monies which the Mayor, Aldermen, and Burgesses shall expend in satisfaction of Interest on any Money borrowed by them for any of the Purposes of this Act, and accruing on or before the Thirty-first Day of *December* One thousand eight hundred and forty-nine, shall be carried to their Credit in "The *Bolton* Waterworks Accounts" as Capital invested by them for the Purpose of such Completion.

The Corporation to complete the Waterworks.

XXX. And be it enacted, That after the Execution of such Lease the Mayor, Aldermen, and Burgesses shall construct or complete the Construction of the several Channels, Cuts, Aqueducts, Reservoirs, and other Works which by the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty, and by a certain Act of Parliament made and passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for more effectually supplying Water to the Inhabitants of the Town of* Bolton, *and several Townships and Places adjoining or near thereto, in the County of* Lancaster, the Company were authorized to construct in the Line and upon the Lands delineated on certain Plans referred to in the same Acts respectively, and it shall be lawful for the Mayor, Aldermen, and Burgesses and the Company to make and enter into such Arrangements and Contracts, with reference to the Expence of such Construction, or relating thereto, as they shall mutually agree upon.

9 & 10 Vict. c. 49.

Power for the Corporation to improve the demised Property.

XXXI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, at any Time after the Execution of such Lease, to alter and improve the demised Property within the Limits of the said Acts relating to the Company, so as such Alterations and Improvements be effected in conformity with the Provisions of the said Acts and of this Act respectively.

The Works and Improvements to be superintended by the Corporation's Engineer.

XXXII. Provided always, and be it enacted, That the Works to be executed by the Mayor, Aldermen, and Burgesses, under the several Provisions herein-before contained, for the Completion, Alteration, or Improvement of the demised Property, shall be so executed under the Superintendence and to the Satisfaction of some Engineer or Engineers to be from Time to Time employed in that Behalf by the Mayor, Aldermen, and Burgesses.

Power for the Company to inspect the demised Property, and require Repairs to be made.

XXXIII. And be it enacted, That from and after the Execution of such Lease it shall be lawful for the Company, by their Directors, Engineers, Agents, Servants, and Workmen, from Time to Time to enter upon and examine the demised Property and every Part thereof, and to give Notice to the Mayor, Aldermen, and Burgesses of all Defects and Wants of Reparation which shall be found on such Examination; and in case the Repairs and Amendments specified in such

such Notice shall not be commenced within a reasonable Period to be named therein for that Purpose, or if the Mayor, Aldermen, and Burgesses shall before the Expiration of such Period signify to the Company their Intention not to make the same in the Manner thereby prescribed, it shall be lawful for the Company to make Complaint to any Two Justices of the Peace acting for the County of *Lancaster*, who shall thereupon appoint an Engineer, who shall and he is hereby empowered to enter upon and examine the demised Property, and report to such Justices what Repairs or Amendments are requisite or proper to be made, and such Justices shall thereupon make such Order in the Premises as to them shall seem meet; and in case of Refusal by the Mayor, Aldermen, and Burgesses to execute the several Works which shall be ordered by such Justices, it shall be lawful for the Company to execute the same, and the Costs and Expences of the several Proceedings aforesaid, and of such Works, whether by the Mayor, Aldermen, and Burgesses, or by the Company, shall be borne and paid by the Mayor, Aldermen, and Burgesses, and shall be chargeable and recoverable as herein-before provided accordingly.

The Corporation to make good Damages from the breaking down of Embankments.

XXXIV. And be it enacted, That the Mayor, Aldermen, and Burgesses shall, subject to the Proviso next herein-after contained, pay and make good to every Corporation and Person whomsoever all Loss, Costs, Damages, and Expences whatsoever, and all Injury, of what Nature or Kind soever, as well immediate as consequential, which they or he may sustain or be put unto in consequence of the breaking down at any Time during the Continuance of such Term of the Embankment of any of the demised Works or Property, whether the Cause of such breaking down shall have originated before or after the Execution of such Lease, or from the improper Construction of such Embankment or Works, or from any Accident to such Embankment or Works during the Construction thereof, and the same shall and may be recovered against the Mayor, Aldermen, and Burgesses, with full Costs of Suit, by Action of Debt or on the Case, in any of such Superior Courts: Provided always, that, either during the Continuance of such Lease or after such Sale and Purchase as herein-after mentioned, the Mayor, Aldermen, and Burgesses shall not at any Time be subject to any greater or other Claim or Liability to any other Corporation or Person than the Company would under the like Circumstances have been liable to in case this Act had not been passed, and no Lease or Conveyance had been executed in pursuance thereof, or in case the Act or Default in respect whereof such Liability may be incurred had been the Act or Default of the Company, instead of the Mayor, Aldermen, and Burgesses.

The Company to be indemnified by the Corporation with reference to the demised Property.

XXXV. And be it enacted, That after the Execution of such Lease the Company shall be kept by the Mayor, Aldermen, and Burgesses indemnified against all Losses, Costs, Damages, and Penalties whatsoever by reason of any Act or Default of the Mayor, Aldermen, and Burgesses, or their Officers, Agents, or Servants, in any way concerning the demised Property, or any Corporation or Person with reference thereto.

XXXVI. And

Power for the Company to sell and the Corporation to purchase the Waterworks of the Company.

XXXVI. And be it enacted, That at any Time after the Twenty-ninth Day of *September* One thousand eight hundred and forty-seven, and either without such Lease having been granted or during the Continuance of such Term, it shall be lawful for the Company, and upon Notice in Writing to that Effect being given to them, or their Clerk or Secretary for the Time being, by or on behalf of the Mayor, Aldermen, and Burgesses, the Company are hereby required to sell and convey, and it shall be lawful for the Mayor, Aldermen, and Burgesses to purchase and accept a Conveyance of the Undertaking of the Company, and the Company and the Mayor, Aldermen, and Burgesses may enter into all such Contracts with reference to such Sale and Purchase as they shall think fit, and such Conveyance may contain such Covenants, Provisoes, Conditions, and Clauses as they may mutually agree upon: Provided always, that if such Purchase be made without such Lease having been granted the Consideration for such Purchase shall not be any other than a perpetual yearly Rent-charge of such an Amount as in the event of such Lease having been granted before the Time of such Purchase being made would be the net yearly Rent to which the Lessees would, according to the Provisions in that Behalf herein-before contained, be at such Time liable under such Lease; and such Rent-charge shall be payable on the First Day of *January* and the First Day of *July* in every Year, but the Company shall not have any Remedy for the Recovery thereof until the same or some Part thereof shall be more than Thirty Days in arrear: Provided also, that if such Purchase be made during the Continuance of such Term the Consideration for such Purchase, at the Option of the Mayor, Aldermen, and Burgesses, either shall be a gross Sum equal to Twenty-five Times the Amount of the net Rent to which the Lessees shall, according to the Provisions in that Behalf herein-before contained, be at such Time liable under such Lease, or shall be a perpetual yearly Rent-charge equal to the Amount of such net Rent: Provided also, that any such perpetual yearly Rent-charge shall be redeemable at any Time by the Mayor, Aldermen, and Burgesses, on Payment of a gross Sum equal to Twenty-five Times the yearly Amount of such Rent-charge, and shall be so redeemable, either at once and wholly, by the Payment on the First Day of *February* or the First Day of *August* in any Year of such gross Sum, or from Time to Time and in Portions, by the Payment at different Times of proportionate Parts of such gross Sum, yet so that any such proportionate Part shall not, without the Consent of the Company, be less than, at the Option of the Mayor, Aldermen, and Burgesses, One equal Fifth Part or several equal Fifth Parts of such gross Sum, and shall not be payable except on the First Day of *February* or the First Day of *August* in some Year: Provided also, that the Company shall not be bound to accept such gross Sum, or any such proportionate Part thereof, unless the Mayor, Aldermen, and Burgesses shall have given Six Months previous Notice in Writing of their Intention to pay the same to the Company, or their Clerk or Secretary for the Time being: Provided also, that any such Purchase shall be subject and without Prejudice to any Mortgages, Charges, or Incumbrances and Liabilities which may affect the Company, or any of the Property thereof.

Power to the Corporation to borrow Money, with Consent of Treasury.

XXXVII. And in order to enable the Money necessary for carrying this Act into execution to be raised, be it enacted, That the Mayor, Aldermen, and Burgesses may from Time to Time, with the Approval of the Commissioners of Her Majesty's Treasury, borrow at Interest such Money as may be deemed requisite for the Purchase of the Undertaking of the Company, or the Completion of such Undertaking, or any other of the Expences of carrying this Act into execution, and may secure the Repayment of the Money so borrowed, with Interest, by Mortgage of the Borough Fund, or, after the Mayor, Aldermen, and Burgesses shall have purchased and taken a Conveyance of such Undertaking, by Mortgage of the Borough Fund and such Undertaking, or either of them.

Power for the Public Works Loan Commissioners to make Loans to the Corporation, under 5 & 6 Vict. c. 9.

XXXVIII. And be it enacted, That the Commissioners for carrying into execution an Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, may from Time to Time make to the Mayor, Aldermen, and Burgesses for the Purposes of this Act any Loan under the Provisions of the last-recited Act, or the several Acts therein recited or referred to, or any other Act or Acts for the Time being in force relating to such Commissioners, on the Security of the Borough Fund and of such Undertaking, or either of them.

Provisions of 8 & 9 Vict. c. 16. with respect to the borrowing of Money incorporated with this Act.

XXXIX. And be it enacted, That the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by a Company on Mortgage, shall be incorporated with this Act, and the Expressions in such Provisions applicable to the Company and the Directors shall apply to the Mayor, Aldermen, and Burgesses; and all Deeds and Writings which under such Provisions are required or directed to be under the Common Seal of the Company shall, in the Application of such Provisions to this Act, be deemed to be required or directed to be under the Common Seal of the Mayor, Aldermen, and Burgesses; and so much of such Provisions as are applicable to the Secretary shall apply to the Town Clerk for the Time being of the Borough; and as to such of the same Provisions as relate to the Inspection of Registers and Books of Account, the Burgesses of the Borough shall have the Privileges of Shareholders.

Form of Conveyance.

XL. And be it enacted, That the Conveyance may be in the Form in the Schedule to this Act annexed, or to the like Effect, with such Alterations therein or Additions thereto as the Circumstances of the Case, and the Terms of the Sale and Purchase, may render necessary, and the Parties thereto may desire; and such Conveyance shall be under the respective Common Seals of the Company and the Mayor, Aldermen, and Burgesses.

Effect of Conveyance.

XLI. And be it enacted, That such Conveyance shall when so executed be effectual to vest the Undertaking, and all the Rights, Privileges,

Privileges, Powers, and Authorities by the said recited Acts relating to the Company, or any other Acts given to the Company, and also all the demised Property, and also, if so expressed, all the Personal Property, Monies, Effects, Choses in Action, Possibilities, Expectancies, Claims, and Demands of or to which the Company may by virtue of any Act or Acts, or by any other Means whatsoever, be at the Time of the Execution of such Conveyance seised, possessed, or entitled at Law or in Equity, with the Appurtenances, absolutely, according to the Tenure, Nature, and Quality thereof, in the Mayor, Aldermen, and Burgesses, and the Undertaking shall thenceforth become and form Part of the Corporate Property of the Mayor, Aldermen, and Burgesses, subject nevertheless and without Prejudice to any Mortgages, Charges, or Incumbrances and Liabilities which at the Time of the Execution of such Conveyance may be upon or affect the Company, or any of the Property thereof, and the same shall be and remain good, valid, and effectual in favour of, in reference to, and against the Mayor, Aldermen, and Burgesses, to all Intents and Purposes.

Consequences of Conveyance.

XLII. And be it enacted, That (except only so far as may be necessary for the general Settlement of the Affairs of the Company, and for the Distribution and Division of the Purchase Money or yearly Rent-charge among the Parties entitled thereto, and for the paying and satisfying of such Debts, Liabilities, and Engagements of the Company as the Mayor, Aldermen, and Burgesses shall not be liable to,) when and as soon as such Conveyance shall have been executed by the Company and the Mayor, Aldermen, and Burgesses, the Powers of the Company shall cease, and the Company shall be dissolved and wholly cease to exist, and all the Powers, Rights, and Privileges, by the said recited Acts relating to the Company, or any other Act or Acts, or otherwise, conferred on or given to the Company, and for the Time being in force, except only as aforesaid, shall apply to and be vested in the Mayor, Aldermen, and Burgesses, and enjoyed by them, and their Officers, Agents, and Servants, under the same Penalties, Provisions, and Restrictions, and subject to the same Liabilities, so far as the same may for the Time being be applicable, as are imposed on or applicable to the Company under and by virtue of such Acts respectively, and the Name and Corporate Seal of the Mayor, Aldermen, and Burgesses may be used when necessary in reference thereto, in like Manner in every respect as if the Undertaking had originally been the Undertaking of the Mayor, Aldermen, and Burgesses, and they, instead of the Company, had been originally authorized to carry the same into effect.

Contracts not to be prejudiced.

XLIII. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, Liabilities, and Securities which may have been made or entered into with, to, or in favour of or by or for or on behalf of the Company, or to which the Company may have been subject or liable, previously to the Execution of such Conveyance, and to which the Undertaking, or the Mayor, Aldermen, and Burgesses, are, according to the Provisions of this Act, to be liable, shall from and after the Execution of such Conveyance be and remain as good and effectual in favour of, against, and in reference to the

the Mayor, Aldermen, and Burgesses, and may be proceeded on and enforced in the same Manner by or against the Mayor, Aldermen, and Burgesses, to all Intents and Purposes as if the Mayor, Aldermen, and Burgesses had, instead of the Company, been Party to and had executed the same, or had been named or referred to therein.

Application of Purchase Money.

XLIV. And be it enacted, That the Purchase Money or yearly Rent-charge to be paid by the Mayor, Aldermen, and Burgesses upon the Completion or in respect of such Purchase shall be applied by the Company, in the first place, in Payment of all the Debts and Demands outstanding against the Company, and after such Payment the Residue shall by the Company be divided amongst the several Persons who at the Time of Payment thereof shall be Proprietors of Shares in the Capital of the Company, in proportion to their respective Interests in such Capital, and their respective Executors, Administrators, and Assigns; and the Company shall have all such and the same Powers and be subject to such and the same Provisions and Regulations as would have been subsisting for the Purpose of the Distribution and Division of the Funds or Capital of the Company, and for finally winding up the Affairs thereof, if such Sale and Purchase had not been made, and the Company had not been dissolved: Provided always, that the Mayor, Aldermen, and Burgesses shall not be bound to see to the Application of any Money which they shall pay to the Company in accordance with the Provisions of this Act.

Notice of Conveyance.

XLV. And be it enacted, That Notice of the Execution of such Conveyance shall forthwith after the Execution thereof be inserted in the *London Gazette*, and also in One or more Newspaper or Newspapers usually printed and circulated in the Borough of *Bolton*.

Contracts for Supplies of Water not to disqualify Members of the Council.

XLVI. And whereas by the said Act to provide for the Regulation of Municipal Corporations in *England* and *Wales* it is enacted, that no Person shall be qualified to be a Councillor or Alderman of any Borough during such Time as shall have, directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of the Council of such Borough, provided that no Person shall be disqualified from being a Councillor or Alderman of any Borough by reason of his being a Proprietor or Shareholder of any Company which shall contract with the Council of such Borough for supplying with Water any Part of such Borough; and it is expedient that any Contract for any Supply of Water under this Act shall not occasion any such Disqualification; be it therefore enacted, That the Word "Contract" in such Enactment shall not extend or be construed to extend by way of Disqualification to any Contract for any Supply of Water to or from the Waterworks to which the Mayor, Aldermen, and Burgesses shall be a Party or privy.

Members of the Council not to vote on Contracts wherein they have an Interest.

XLVII. And be it enacted, That it shall not be lawful for any Member of the Council of the Borough to vote or to take part in the Discussion of any Matter before the Council relating to any Contract for any such Supply of Water in which such Member shall, directly or indirectly, by himself or his Partner, have any pecuniary Interest.

XLVIII. And

Bye Laws.

XLVIII. And be it enacted, That the Bye Laws which the Mayor, Aldermen, and Burgesses may make shall include all such Bye Laws as to them shall seem meet for carrying into effect within the Borough the several Provisions of this Act.

Transient Offenders.

XLIX. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Police Officer, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence punishable on summary Conviction against the Provisions of this Act or of any other Act or Acts for the Time being in force relating to the Municipal Corporation of the Borough, or any Bye Law made in pursuance thereof respectively, and whose Name and Residence shall be unknown to such Officer, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Expences of Act and Preparation, &c. of Lease.

L. And be it enacted, That all the Costs and Expences of and incident to the obtaining and passing of this Act, and the Contracts for and Preparation and Execution of such Lease, shall be borne, raised, and paid by the Mayor, Aldermen, and Burgesses as Part of the Expences of carrying this Act into execution.

Interpretation of Act.

LI. And be it enacted, That, except so far as shall be repugnant to or inconsistent with the Subject or Context, Words in this Act importing the Singular Number only shall include the Plural Number, and Words in this Act importing the Plural Number only shall include the Singular Number, and Words in this Act importing the Masculine Gender only shall include the Feminine Gender, and the Word Cattle in this Act shall include all Cattle, Sheep, Pigs, Calves, Goats, Kids, and other Animals used for the Food of Man.

Public Act.

LII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE.

THIS Indenture, made the Day of in the Year of our Lord between the Bolton Waterworks Company of the one Part, and the Mayor, Aldermen, and Burgesses of the Borough of Bolton in the County of Lancaster of the other Part, witnesseth, That in pursuance of the Bolton Improvement Act, 1847, and in consideration of the said Company do hereby convey all the Property, Rights, Privileges, Powers, and Authorities whatsoever of the said Company unto the said Mayor, Aldermen, and Burgesses absolutely, according to the Tenure, Nature, and Quality thereof respectively, and the said Mayor, Aldermen, and Burgesses do hereby accept and take the same, subject to the Mortgages, Charges, Incumbrances, Liabilities, Claims, and Demands affecting the same Property accordingly. In witness whereof the respective Common Seals of the said Company and the said Mayor, Aldermen, and Burgesses are hereunto affixed, the Day and Year first above written.

[*Or, if the Consideration for the Purchase be a perpetual yearly Rent-charge,*]

THIS Indenture, made the Day of in the Year of our Lord between the Bolton Waterworks Company of the one Part, and the Mayor, Aldermen, and Burgesses of the Borough of Bolton in the County of Lancaster of the other Part, witnesseth, That in pursuance of the Bolton Improvement Act, 1847, and in consideration of the perpetual yearly Rent-charge of £ payable to the said Company on the Day of and the Day of in every Year, the first Payment thereof to be made on the Day of and by the said Act charged on and payable and recoverable out of the Borough Fund of the said Borough, and to be redeemable [*here state Terms of Redemption*], the said Company do hereby convey all the Property, Rights, Privileges, Powers, and Authorities whatsoever of the said Company unto the said Mayor, Aldermen, and Burgesses absolutely, according to the Nature, Tenure, and Quality thereof respectively; and the said Mayor, Aldermen, and Burgesses do hereby accept and take the same, subject to the Mortgages, Charges, Incumbrances, Liabilities, Claims, and Demands affecting the same Property accordingly. In witness whereof the respective Common Seals of the said Company and the said Mayor, Aldermen, and Burgesses are hereunto affixed, the Day and Year first above written.

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