ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xxxvii.

An Act for better regulating the Supply of Water in the Town of *Leek* in the County of *Stafford*.

[28th *May* 1827.]

WHEREAS the Right Honourable *George* Earl of *Macclesfield*, and his Ancestors, as Lords of the Manors of *Leek* and *Frith*, extending over the Townships of *Leek-Lowe*, *Leek-Frith*, and *Tittesworth*, in the Parish of *Leek* in the County of *Stafford*, have immemorially enjoyed the sole Right and Property of, in, and to certain Springs of Water in such Part of the said Manors and Parish as was, when open and uninclosed, called *Leek Moor*, and have conveyed the Water from the said Springs by means of Soughs or Pipes into Two Reservoirs made at their own Expence, in or near the Town of *Leek*, called *The Upper Reservoir* and *The Lower Reservoir*, and from the said Lower Reservoir, by Pipes laid in and under the Highways and Streets of the Town of *Leek* and Places adjacent, into the said Town, for supplying the Inhabitants of the said Town and Places with Water: And whereas by an Act passed in the Forty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Parish of* Leek *in the County of* Stafford, after reciting therein, amongst other Things, that there were within the Townships of *Leek-Lowe*, *Leek-Frith*, and *Tittesworth*, or some of them, in the Parish of *Leek* and Manors of *Leek* and *Frith* in the County of *Stafford*, certain Commons and Waste Lands, containing in the whole Three thousand 45 G. 3. c. 96.

Acres or thereabouts; and that *George* Earl of *Macclesfield* was Lord of the said Manors, and as such was Owner of the Soil of the said Commons and Waste Lands; and that the said *George* Earl of *Macclesfield* and his Ancestors, as Lord of the said Manors, had immemorially enjoyed the sole Right and Property of, in, and to certain Springs of Water arising in that Part of the said Commons and Waste Lands called *Leek Moor*, and of searching and sinking for Springs and Waters within that Part of the same Waste Lands; and that the Ancestors of the said Earl had, at a very considerable Expence, made Two Reservoirs, called *The Upper Reservoir* and *The Lower Reservoir*, and other Waterworks, within and under the same Commons, and had inclosed a small Piece of Land adjoining the Lower Reservoir, for the Purpose of guarding the Dam thereof, and had conducted and conveyed the said Springs and Waters from the Heads thereof by means of Soughs or Pipes into the said Reservoirs, and from the said Lower Reservoir, through Pipes laid under the Highway leading to or under the Streets of the Town of *Leek* aforesaid and Places adjacent thereto, for supplying the Inhabitants thereof with Water; it was enacted, that the said Reservoirs and Works so made as aforesaid, and Six Yards of Land in Breadth against such Parts of the said Upper Reservoir as abutted to the said Common, measuring from the Outside of the Fence thereof, for the Purposes of Repairs or otherwise, together with a sufficient Carriage Road from the same Reservoir to the Turnpike Road leading from *Leek* to *Buxton*, to be set out by the Commissioners, and the Lands then already inclosed for guarding the Dam of the said Lower Reservoir, and all Springs and Waters running, falling, or flowing into such Reservoirs, or which could or might be conveniently conducted and conveyed thereunto, (save and except the Spring which flowed down to and by *Foulchurch*, and also save and except another Spring rising into a Well then made on the Southwardly Side of the Turnpike Road leading from *Leek* to *Ashbourne*, nearly opposite to a Cottage then in the Possession of *Edward Tatton*, and running into the Lands of *Thomas Fenton Grosvenor* Esquire, called *Moorhouse Estate*, and likewise certain Springs flowing from near *Edge End Barn* to *Hare Gate*, the Residence of *Mary Chorley*,) and the Right, Liberty, and Privilege of coming upon the Lands inclosed from the said Commons called *The Organ Ground*, to open, cleanse, repair, amend, or alter the then present Soughs, Works, and Gutters, or to make any other Soughs, Works, or Gutters, should be and the same were thereby expressly reserved to the said *George* Earl of *Macclesfield*, and his Heirs and Assigns, in such and the like Manner as the said Earl and his Ancestors had used, exercised, and enjoyed the same; and it was thereby provided and further enacted, that nothing therein contained should extend or be construed to extend to prejudice, obstruct, lessen, or defeat the Right, Power, Liberty, and Privilege which the Ancestors of the said *George* Earl of *Macclesfield* had enjoyed, and which the said Earl did then enjoy and was entitled to by Prescription, of supplying the Inhabitants of the Town of *Leek* aforesaid with Water, or at any Time after the said then intended Division and Inclosure of entering into and upon any Allotment or Allotments which should be made in pursuance of the now-reciting Act upon any Part of the said Commons

and Waste Lands called *Leek Moor*, for the Purpose of sinking or searching for any Springs or Waters, or of making Soughs, laying Pipes, and doing any Kind of Work in such Allotment or Allotments, or in the Road leading to or under the Streets in the Town of *Leek* aforesaid or Places adjacent, which might be necessary for conducting and conveying any Springs or Waters into or from the said Reservoirs for the Supply of the Inhabitants of *Leek* aforesaid with Water, or to empower any Person or Persons to make any Reservoir or Pools of Water, or lay any Pipe or Pipes within any Allotment or Allotments, to be set out upon or from any of the said Commons and Waste Lands then intended to be divided and inclosed by virtue of the said Act, for the Purpose of supplying the Town of *Leek* with Water, or to do any Act to injure, affect, or lessen the Force of the said Springs or Waters; but that such Rights, Liberties, and Privileges therein and before mentioned should be and remain to the said *George* Earl of *Macclesfield* and his Heirs, and should be held and enjoyed by him in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he the said Earl might or could have enjoyed the same before the making or passing of the said Act, the said *George* Earl of *Macclesfield* and his Heirs making Compensation and Satisfaction to the Owners or Occupiers for the Time being of the said Lands so then to be inclosed as aforesaid, which should be broke up or damaged by exercising the Liberties and Privileges last above mentioned; and it was by the said Act provided and further enacted, that nothing in the said Act contained should be construed to change, alter, or divert the Course of the waste or superfluous Water flowing from the said Reservoirs then or thereafter to be made, so as to defeat or prejudice the Right thitherto immemorially enjoyed of irrigating certain Lands on the South-west Side of the Town of *Leek*: And whereas the Award of the Commissioners appointed by or in pursuance of the said Act for carrying the same into Execution has been duly made, executed, and enrolled: And whereas certain Lands called *The Organ Grounds*, and other ancient inclosed Lands, were heretofore inclosed from that Part of the said Commons and Waste Lands called *Leek Moor*, and the Remainder of the same Commons and Waste Lands have, by virtue and under the Authority of the said recited Act, been divided and inclosed: And whereas by another Act of Parliament made and passed in the Sixth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for lighting, watching, cleansing, and improving the Town of* Leek *in the County of* Stafford, it is provided and enacted, that nothing therein contained should extend, or be construed or deemed or taken to extend, to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of the said *George* Earl of *Macclesfield* to the exclusive Right, Power, Liberty, and Privilege which the Ancestors of the said Earl had Time immemorially enjoyed, and which the said Earl did then enjoy and was entitled to, by Prescription or otherwise, of supplying the Inhabitants of the said Town of *Leek* with Water, and of taking up the Ground or Pavement in the Market Place, or any of the Streets, Lanes, Highways, Passages, and other public Places within the said Town, laying down and repairing Pipes to convey such Water in and about the same Town, but that the said Earl, 6 G. 4. c. 71.

Earl, and the Lord or Lords, Lady or Ladies of the said Manor, and Owner or Owners, Proprietor or Proprietors of the said Waterworks of the said Earl for the Time being, should have, hold, use, exercise, receive, take, and enjoy all and every the Seigniories, Rights, Royalties, Franchises, Pre-eminences, Jurisdictions, Rents, Services, Fines, Amerciaments, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor or Waterworks belonging or incident, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith, in such and the same Manner, to all Intents and Purposes, as if the now-reciting Act had not been made: And whereas it is expedient that Provision should be made by Authority of Parliament, for the better Regulation of the Supply of such Water to the Inhabitants of the said Town, and for preserving such Water clean and wholesome: 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 the said Earl, his Heirs or Assigns, shall be obliged to furnish such a sufficient Supply of Water as the Means of the said Earl, his Heirs or Assigns, will from Time to Time allow, from his said Reservoirs and Waterworks, to any Inhabitant of or Person occupying any House or Tenement situate below the Level of the present Reservoirs, in any Street, Lane, or Place in the said Town where the Pipes of the said Earl, his Heirs or Assigns, shall be laid or placed, for the Use of such Inhabitant or Occupier in his or her own Family, such Inhabitant or Occupier paying to the said Earl, his Heirs or Assigns, for such Supply, such Rents or Sums of Money as shall be agreed upon between them, not exceeding the Rents herein-after mentioned; that is to say, where the Rent or Annual Value of such Dwelling House, or Part of a Dwelling House, shall not exceed Fifteen Pounds *per Annum*, at a Rent *per Annum* not exceeding One Shilling and Sixpence in the Pound upon such Rent or Annual Value; and where such Rent shall be above Fifteen Pounds *per Annum*, at a Rent *per Annum* not exceeding Two Shillings and Sixpence in the Pound upon such Rent or Annual Value; and every such Rent shall be payable according to the actual Amount of the Rent of such Dwelling House, where the same may be let, and the Amount of such Rent can be ascertained, and where the same is not let, or where the Amount cannot be ascertained, according to such Rent as such Inhabitant shall be assessed to the Rate for lighting, watching, cleansing, and improving the said Town of *Leek*, or Inhabitant House Duty, at the Option of the said Earl, his Heirs or Assigns: Provided nevertheless, that the said Earl, his Heirs or Assigns, shall not be entitled to receive from any such Inhabitant, in respect of any One House or Tenement, more than the Sum of Five Pounds in any One Year for such Supply, nor shall the said Earl, his Heirs or Assigns, be obliged to furnish such Supply to any Inhabitant for less than Ten Shillings in any One Year, unless the said Earl, his Heirs or Assigns, shall think fit so to do: And provided further, that in the Case of Brewers, Curriers, Dyers, Innkeepers, or other Person or Persons requiring a Supply of Water for other Purposes than those of his or her own Family's House Consumption, or Persons requiring a

The Earl of Macclesfield required to supply the Inhabitants of the Town of Leek with Water.

Supply

Supply of Water for Baths, Tanks, Fountains, Ponds, Pools, or Waterclosets, or for the Purposes of any Trade or Business whatsoever, such Supply may be furnished by the said Earl, his Heirs or Assigns, in such Cases, where the Supply of Water will admit of it, at such Rent as shall be settled and agreed upon by the said Earl, his Heirs or Assigns, and such Person or Persons respectively; and such Rent or Rents, or Sum or Sums of Money, and any Part thereof, shall be recoverable and shall and may be recovered by the said Earl, his Heirs or Assigns, together with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting to pay the same or any Part thereof, wherever such Goods and Chattels may be found, in the same Manner as Rents in arrear upon common Demises may by Law be recovered; or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed.

Inhabitants and Occupiers of Houses, &c. may lay Branch Pipes.

II. And be it further enacted, That such of the Inhabitants or Occupiers of any such Houses or Tenements in the Town of *Leek* as shall be desirous of having Water conveyed in Branch Pipes to their respective Houses or Tenements, may and are hereby authorized and empowered, at their own Expence, (having first given Seven Days previous Notice in Writing to the said Earl, or his Heirs or Assigns, and having first obtained the Consent in Writing of the said Earl, or his Heirs or Assigns, and of the Owner or Owners, Occupier or Occupiers of any inclosed Lands or Grounds in or through which such Pipes shall be intended to be conveyed or placed, and not otherwise,) to open the Ground between the Main Pipes and Aqueducts of the said Earl, his Heirs or Assigns, and the respective Houses, Buildings, and Yards of such Inhabitants or Occupiers, and to lay down and place any Leaden or other Pipe or Pipes, the Weight and Bore thereof to be determined by the said Earl, his Heirs or Assigns, or his or their Agent for the Time being, from such Houses, Yards, or Offices, to communicate with the said Main Pipes or Aqueducts, such respective Inhabitants or Occupiers first paying or agreeing to pay to the said Earl, and his Heirs or Assigns, such Rent or Rents, or Sum or Sums of Money, as may be agreed upon (subject to the Provisions in this Act contained for limiting the Rate of such Rents and laying down Pipes) by or between the said Earl, his Heirs or Assigns, or his or their Agent, and such Inhabitants or Occupiers.

Where several Houses are supplied by One common Branch Pipe, each Occupier liable to Rents.

III. And be it further enacted, That where several Messuages, Cottages, Dwelling Houses, or Tenements in the Occupation of several Persons shall be supplied by One common Branch Pipe, to be laid to and introduced into the Pipes or Aqueducts of the said Earl, his Heirs or Assigns, the several Inhabitants or Occupiers of such Messuages, Cottages, Dwelling Houses, or Tenements shall be respectively liable to pay for such Supply of Water at and after the same Rate, and in such and the like Manner, as he, she, or they would be liable to pay for the same it each of such several Messuages, Cottages, Dwelling Houses, or Tenements was separately supplied with

Water by a distinct Branch Pipe from the Works of the said Earl, his Heirs or Assigns; and the several Rents for the same respectively shall be recoverable and recovered, in case of Nonpayment, in the same Manner and by the same Ways and Means as the Rents for Water are by this Act made recoverable.

Requiring Persons supplied with Water to provide Cisterns, &c.

IV. Provided always, and be it further enacted, That before any such Inhabitant or Person shall be entitled to such Supply of Water, such Inhabitant or Person shall, if required so to do by the said Earl, his Heirs or Assigns, provide and keep a Cistern or Receptacle for such Water, such Cistern or Receptacle to be of Lead or Stone or Brick, puddled and made safe from Loss of Water by Leakage or Drainage, and also provide and maintain in such Cistern or Receptacle for Water a Valve or Ball and Stopcock or other self-acting Cock, affixed to the Pipe conveying any such Water into such Cistern or Receptacle, in order to prevent the Water from running to waste from such Cistern or Receptacle.

Disputes respecting the Compliance of Inhabitants with the Directions of the Act respecting Cisterns, &c. to be decided by Justices.

V. Provided always, and be it further enacted, That in case any Dispute or Difference shall arise between the said Earl, his Heirs or Assigns, and the Person or Persons desirous of being supplied with Water as aforesaid, as to the Rent to be paid for the same, or as to the providing a proper Cistern or Receptacle for Water, or as to the laying and affixing any Service Pipe or Pipes, or as to the Size or Sufficiency thereof, or of any other Matter or Thing required as aforesaid, then and in every such Case every such Person or Persons may appeal to any Two of His Majesty's Justices of the Peace acting for the said County of *Stafford*, giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Matter thereof, to the said Earl, his Heirs or Assigns, or his or their known Agent; and such Justices shall and they are hereby authorized and empowered to decide such Dispute or Difference, and such Decision shall be final and conclusive between the said Parties; and the said Earl, his Heirs or Assigns, is and are hereby required to permit such Service Pipes to be affixed to the Main Pipe or Aqueduct, and any such other Works to be done accordingly, by the Plumber of the said Earl having the Management of the said Main Pipes, but at the reasonable Costs and Charges of the Person or Persons requiring the same.

Justices not to require any Pipe to be affixed to Main Pipe between Reservoirs and the Town Hall.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower such Justices, or any other Person or Persons, to affix or order to be affixed any Branch Pipe to or unto any Part or Parts of the Main Pipe or Aqueduct between the Reservoirs and the Plugs or Cocks at or near the Town Hall at the Bottom of the Market Place in *Leek* aforesaid, without the Consent in Writing of the said Earl, his Heirs or Assigns, or his or their known Agent for the Time being.

Supply of Water may be stopped, and Service Pipes,

VII. Provided always, and be it further enacted, That it shall be lawful for the said Earl, his Heirs or Assigns, and his and their Agents, Servants, or Workmen, in Times of Scarcity of Water, when

the Springs are low, and also when it shall be necessary to do any Repairs or make any Alterations or Amendments in or to the said Pipes, Cocks, Reservoirs, Aqueducts, Soughs, Drains, or other Works, to stop the Supply of Water running from the said Reservoirs to the said Town, so long as it shall be necessary either for the Accumulation of Water for the better Supply of the said Inhabitants, or for the Repair or Amendment of any of the said Pipes, Reservoirs, Aqueducts, or other Works; and also, in case any Person or Persons having any Service or Branch Pipe or Pipes shall negligently or wilfully suffer the Water to run waste or useless, or shall suffer his, her, or their Service or Branch Pipes, or Cisterns or Cocks belonging thereto, to be out of repair, and neglect effectually to repair such Service or Branch Pipes, Cisterns or Cocks, so out of repair, within Twenty-four Hours after being required so to do by the said Earl, his Heirs or Assigns, or his or their Agent, or by any Workman by him or them employed in the Care of the said Pipes or Waterworks, or if any Person or Persons shall make Default in Payment of the Water Rent agreed to be paid by such Person or Persons, by the Space of Ten Days after the same shall become due, then and in either of the said last-mentioned Cases it shall be lawful for the said Earl, his Heirs or Assigns, or his or their Agent, to cut off or cause such Service or Branch Pipes to be separated from the Main Pipes or Reservoirs, and the Water to be stopped from issuing or running therefrom into such Service or Branch Pipes, or any Drains, Cisterns, or Aqueducts; but such Separation shall not prevent or hinder the said Earl, his Heirs or Assigns, or his or their Agent, from resorting to and pursuing the Means by this Act provided for Recovery of Rents, for any Rent then due.

&c. may be separated, in certain Cases.

VIII. And be it further enacted, That it shall be lawful for the Agent or Plumber, or any other Person or Persons acting by or under the Authority of the said Earl, his Heirs or Assigns, from Time to Time to enter (upon giving Eight Hours previous Notice of his or their Intention) into any House or Tenement or Premises supplied with Water by virtue of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Earl, his Heirs or Assigns; and if such Agent or Plumber, or other Person acting by or under the Authority of the said Earl, his Heirs or Assigns, shall at any such Time or Times be refused Admittance or Entrance into any such House, Tenement, or Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection or Examination as aforesaid, then and in every such Case it shall be lawful for the said Earl, his Heirs or Assigns, to cut off the Service or Branch Pipe supplying such Water, and to turn off the Water supplied by the said Earl, his Heirs or Assigns, from such House, Tenement, and Premises; but such Separation shall not prevent or hinder the said Earl, his Heirs or Assigns, or his or their Agent, from resorting to and pursuing the Means by this Act provided for Recovery of Rents, for any Rent then due.

For entering Premises to see that there is no Waste of Water.

IX. And

Penalty for not supplying Water to the Inhabitants.

IX. And be it further enacted, That in case the said Earl, or his Heirs or Assigns, shall wilfully neglect or refuse to supply, agreeable to the Terms and Conditions in this Act contained, any Inhabitant or Occupier of any House or Tenement situate below the Level of the present Reservoirs, in any Street, Lane, or Place in the said Town of *Leek* where the Pipes of the said Earl, his Heirs or Assigns, shall be laid or placed, with Water for the Use of his or her own Family, for the Space of Seven Days after Demand in Writing shall have been made by such Inhabitant or Occupier to the said Earl, his Heirs or Assigns, for such Supply of Water, and after Payment or Tender made of the Amount of the Rent for One Year for such Supply, the said Earl, his Heirs or Assigns, shall forfeit and pay to such Inhabitant or Occupier Treble the Amount of the Rent so paid or tendered, (in case at the Time of such Demand and Tender being made there shall be a Sufficiency of Water in the said Reservoirs for the Purpose, and in case such Supply can be granted without lessening the Supply to the other Tenants of the said Earl, his Heirs or Assigns, but not otherwise,) to be levied and recovered, by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace acting for the County of *Stafford*, by Distress and Sale of the Goods and Chattels of the said Earl, his Heirs or Assigns, and also the further Sum of Twenty Shillings for every Day the said Earl, his Heirs or Assigns, shall continue so to neglect or refuse such Supply.

Requiring the Earl, &c. to make Fire Plugs.

X. And be it further enacted, That the said Earl, his Heirs or Assigns, shall, and he or they is or are hereby required, upon the carrying into and laying down any Main Pipe in any Street in the said Town of *Leek*, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, one or more proper and sufficient Fire Plug or Fire Plugs in each such Main Pipe, for the Supply of Water for the extinguishing of Fires; and when and so soon as any such Fire Plug shall be finished, the said Earl, his Heirs or Assigns, shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each Place within the Town of *Leek* aforesaid where any Engine shall be kept for the extinguishing of Fires.

Watering Places to be maintained in Inclosures.

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Earl, his Heirs or Assigns, or any other Person or Persons, to deprive the Owner or Occupier of any Close or Inclosure through which the Water from the said Springs or Drains, or any of them, now runs, of their usual Benefit of such Water for watering of Cattle; but in case the said Earl, his Heirs or Assigns, shall make any covered Drain through any such Close or Inclosure, then he and they shall and is and are hereby required to make and continue such Watering Places in each and every such Close or Inclosure as may be necessary for supplying the Cattle or Stock therein with the usual Quantity of Water.

Penalties for hindering or injuring the Works, or fouling the Water.

XII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Earl, his Heirs or Assigns, or his or their Agents, Servants, or Workmen, or any of them, in taking

taking up, laying down, making, repairing, or altering any Drain, Pipe, or Aqueduct, or in making, repairing, or altering any other of the aforesaid Waterworks, or in the Fulfilment or Execution of any of the Directions, Provisions, or Powers in this Act contained; or if any Person or Persons whomsoever shall wilfully or maliciously let off or discharge any Water, so that the same shall run waste or useless, out of or from any of the Pipes, Soughs, Cocks, Plugs, Aqueducts, Reservoirs or other Waterworks, or any Service or Branch Pipes, Cisterns, Cocks, or Plugs already laid or made, or which shall hereafter be laid, made, or provided for the Purposes of this Act, or shall wilfully or maliciously destroy, break, throw down, injure, or damage any such Pipe, Aqueduct, Reservoir, Service or Branch Pipe, Cistern, Cock, or Plug, or any Drain or Sough, or any Wall or Fence, or any other Part of the said Waterworks, whether belonging to or being the Property of the said Earl, his Heirs or Assigns, or to or of any other Person or Persons, or any other Matter or Thing purchased or provided for the Purpose of the Execution of any of the Directions, Provisions, or Powers of this Act, or shall bathe or wade into, or wash, cast, put or throw any live or dead Dog or Cat or other Animal, or any Cloth, Wool, Filth, Dirt, or other noisome or offensive Matter or Thing, or cause or permit or suffer the Water of any Sink or Sewer, or any other offensive Liquid, Matter, or Thing, to run or drain or be conveyed into any of the said Reservoirs, Pipes, or Aqueducts, or Springs, Drains, Soughs, or other Works, or shall foul or render noisome or impure or contaminate, or cause or procure to be fouled or rendered noisome or impure or contaminated, any Water running to or contained in any of such Reservoirs, Pipes, Aqueducts, Springs, Drains, or Soughs, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every such Person shall pay to the said Earl, his Heirs or Assigns, the full Amount of the Damage occasioned by the Acts or Means in respect of which such respective Penalties shall be incurred, in addition thereto.

Penalty on Persons supplying Water to others.

XIII. And be it further enacted, That if any Person or Persons supplied with Water by virtue or under the Directions of this Act shall supply any other Person or Persons, not having agreed with the said Earl, his Heirs or Assigns, to be supplied with Water from the said Works, or shall wilfully permit or suffer any other Person or Persons, not having so agreed to be supplied, to take any Water; or if any Person or Persons, not having so agreed to be supplied, shall take or use any Water at or from any Reservoir, or any Soughs or Pipes leading thereto, or any Service or Branch Pipe or Cock affixed or to be affixed to any of the Pipes, Aqueducts, or Reservoirs aforesaid, or from any Cistern or other Receptacle for Water as aforesaid; or if any Person or Persons shall, by negligently suffering his, her, or their Branch Pipes or Cisterns, or the Cocks belonging thereto, to be out of repair, occasion the Water thereby supplied to run waste or useless; then and in every such Case every Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of any Justice of the Peace for the County of *Stafford*, before whom the same shall be recovered as herein-after provided.

Regulations in case of taking up or laying down Pipes, &c.

XIV. And be it further enacted, That it shall be lawful for the said Earl, his Heirs and Assigns, by himself and themselves, and his and their Agents, Servants, Workmen, and Assistants, from Time to Time to resort unto, enter, view, examine, open, and cleanse the aforesaid Springs, or any of them, or any other Springs that shall or may be found on any of the Lands heretofore constituting *Leek Moor* as aforesaid, or any Part thereof, and from Time to Time, as often as may be necessary, to enter into or upon the Lands or Grounds where the aforesaid Springs or Waters rise or run, and also upon any Lands or Grounds where any Soughs, Drains, Pipes, and Works are or shall be or be intended to be laid or placed, and also into or upon any of the adjoining Lands or Grounds, and to break up the Soil thereof, and of the Highways, Roads, Streets, Lanes, Passages, and Places within the said Town, or any of them, and to continue, maintain, make, lay down, place, take up, open, cleanse, repair, alter, renew, replace, and use any Drains, Soughs, Channels, Conduits, Pipes, Aqueducts, Wells, Reservoirs, and other Works and Conveniences, under Ground or above Ground, which have been made or used by the said Earl or his Ancestors, and also to make, lay down, place, take up, open, cleanse, repair, renew, replace, and alter any Pipes, Conduits, Drains, Soughs, and other Works which shall be considered necessary to be made by the said Earl, his Heirs or Assigns, for the Conveyance or Preservation and Use of Water for the Supply of the Inhabitants of the said Town of *Leek*, and to set, place, and continue such Posts, Stones, or other permanent Marks as the said Earl, or his Heirs or Assigns, may deem necessary for ascertaining and finding out the Lines and Situations of any such Drains, Soughs, Pipes, and other Works, under Ground or above Ground, and to remove, take away, and use any Rubbish, Earth, Clay, Stones, Trees, Roots of Trees, Gravel or Sand, or any other Matters and Things which may hinder or prevent or obstruct the continuing, placing, or repairing any such Soughs, Drains, Pipes, and other Works as aforesaid, and from Time to Time to do, take, and use all such other Acts, Ways, and Means, for the Purpose of collecting, conveying, bringing, and lodging, affording and distributing fresh Water unto and into the said Town of *Leek*, for the Use of the Inhabitants of the said Town, from the aforesaid Springs, Soughs, Drains, and Reservoirs, or any of them, and for continuing, using, amending, improving, preserving, renewing, or repairing the Works and Conveniences already made and in use, or which may hereafter be lawfully made by the said Earl, his Heirs or Assigns, as shall be necessary or expedient, and to resort, pass, and repass, with Horses, Carts, and Carriages, or without, to, upon, and from the aforesaid Works, and to lay down, carry, and convey Materials and other Things to and from the same, from Time to Time, as often as shall be necessary for the Purposes aforesaid, he the said Earl, his Heirs and Assigns, and his and their Agents, Workmen, and Servants, and all other Persons employed or authorized by him or them, doing as little Damage as may be in the Performance of any of the Matters aforesaid, and making full Satisfaction to all Persons who shall or may sustain any Damage or Injury by means of the Performance of any of the Matters aforesaid; and thereupon this Act shall be a sufficient Indemnity to the said Earl, his Heirs and Assigns, and to his

his and their Agents, Servants, Workmen, and Assistants, and all other Persons whomsoever acting under his or their Authority, for what they or any of them shall do or cause to be done consistently with the Regulations of this Act; and in case of any Dispute respecting the Amount of Money to be paid for Satisfaction or Compensation as aforesaid, such Dispute, and the Amount of such Money, shall and may be settled, ascertained, and determined by any Two Justices of the Peace for the County of *Stafford*.

Damage done to Ground or Pavement in taking up or laying down Pipes to be made good.

XV. Provided always, and be it further enacted, That whenever any Ground, Road, Way, or Pavement shall be opened or broken up, either by the said Earl, his Heirs or Assigns, or by any other Person or Persons, for taking up or laying down or repairing any of such Soughs, Drains, Pipes, or other Works, the Workmen employed in taking up, laying down, or repairing the same shall do as little Damage as may be, and shall forthwith fill in the Excavation or Trench, and make good the Ground, Road, Way, or Pavement so broken up, and carry away the Rubbish occasioned thereby, without any unnecessary Delay, and shall in the meantime fence or guard, and affix Lamps or Lights, if necessary, during the Night and all Night, from Sunset to Sunrise, at or near the Place or Places where any Ground shall be open, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages; and if there shall be any wilful Neglect or negligent Delay in the said Earl, his Heirs or Assigns, or his or their Agents or Servants, or any other Person or Persons acting by or under his or their Authority, or by any other Person or Persons, in filling any such Ground, or removing Rubbish, or making good any such Ground, Road, Way, or Pavement, then and in every such Case it shall and may be lawful to and for any Owner or Occupier of the Ground, or the Trustees or Commissioners or Surveyors of Highways, under whose Jurisdiction, Care, or Management such Road, Way, or Pavement now is or hereafter shall be respectively, or any other Person or Persons acting by or under the Authority of any such Owners, Occupiers, Commissioners, Trustees, or Surveyors respectively, to fill in such Ground, and make good such Road or Pavement so broken up, and properly to fence and guard any such Excavation or Trench, and to place and maintain such Light or Lights during the Night, as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Earl, his Heirs or Assigns, or other Person or Persons so neglecting; and in default of Payment thereof for Thirty Days next after Demand shall be made by any Person or Persons acting by or under the Authority of such Owner or Occupier, Commissioners, Trustees, or Surveyors respectively, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said County, all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Earl, his Heirs or Assigns, or of such other Person or Persons respectively, as the Case may be, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby

Provision in case of Default.

hereby empowered to grant; and such Costs, Charges, and Expences shall be paid to such Owner or Occupier, Commissioners or Trustees or Surveyors, or their Treasurer respectively.

In case of Nonpayment of Compensation for Damage, the same to be levied by Distress, &c.

XVI. Provided always, and be it further enacted, That when and often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed, then and in such Case the Amount of such Compensation or Satisfaction, and Costs, shall and may be levied and recovered by Action at Law, or by Distress and Sale of the Goods and Chattels of the Party or Person ordered to pay the same Sum or Sums of Money, as the Case may be, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace so ordering and directing the same to be paid, which Warrant any Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned on Demand to the Party or Parties whose Goods and Chattels shall be so distrained.

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

XVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures, and the Money so levied or recovered shall be paid to the said Earl, his Heirs or Assigns, or other Person or Persons sustaining such Damage or Injury.

Mode of recovering Fines and Forfeitures.

XVIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences, Matters, and Things in this Act mentioned (the Manner of levying and Recovery whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace of the County of *Stafford*, and any such Justice or Justices is and are hereby authorized and empowered, on Complaint to him or them for that Purpose exhibited, to hear and determine of and concerning such Offences, Matters, and Things, and to fix and mitigate the said Penalties and Forfeitures according to his or their Discretion, and the Provisions in that

respect herein-before contained; and such Justice or Justices is and are hereby authorized and empowered to convict the Offender or Offenders, upon Information by the Oath or Affirmation of any Person or Persons (which Oath or Affirmation such Justice or Justices is and are hereby authorized to administer), or on the Confession of the Party offending; and in default of Payment of such Penalties and Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Three Days from the Time of taking any such Security, and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for any such Justice or Justices of the Peace, and he or they is or are hereby authorized and required, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, Costs and Expences, shall be sooner paid and satisfied; and one Moiety of such Penalties or Forfeitures shall be paid to the Informer, and the other Moiety thereof shall be paid to the said Earl, his Heirs or Assigns.

Conviction.

XIX. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the Form following; (that is to say),

'County of Stafford (to wit). } BE it remembered, That on the Day of in the Year of our Lord is convicted before me [*or* us], One [*or* Two, *as the Case may be*,] of His Majesty's Justices of the Peace for the said County [*here specify the Offence or Omission, and the Time and Place when and where committed, as the Case may be.*] Given under my Hand and Seal,

' Seal, [*or* our Hands and Seals,] the Day and Year first above ' written.'

Informations to be lodged within Three Calendar Months.

XX. Provided always, and be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty or Forfeiture imposed by this Act for any Offence or Offences against the same, herein-before made cognizable before any Justice or Justices of the Peace, unless Information respecting such Offence or Offences shall have been lodged before some Justice or Justices of the Peace within Three Calendar Months next after the committing of such Offence or Offences.

Proceedings not to be quashed for Want of Form.

XXI. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or in relation to the Execution of this Act, shall be vacated or quashed for Want of Form only, or removed by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary notwithstanding.

Distress not unlawful for Want of Form.

XXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums 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 Proceedings relative thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover after Tender of Amends.

XXIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall be 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 be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXIV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in

pursuance of this Act, or in relation to the Matters herein contained, after Three Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Justices empowered to administer Oaths, and to fine in case of Witnesses not taking the same and giving Evidence.

XXV. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice and Justices of the Peace to administer an Oath or Affirmation to any Person, and examine him or her thereupon, for the more certain Information of such Justice or Justices in the Matter then depending; and in case any Witness or Witnesses shall refuse to be sworn or to make Affirmation, or to give Evidence before any Justice or Justices, then in each and every such Case each and every Person so offending shall forfeit and pay the Sum of Five Pounds, the same to be recovered as herein-before is provided for the Recovery of Fines and Forfeitures.

Appeal may be made to Quarter Sessions.

XXVI. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking themselves, himself, or herself aggrieved by any Order or Determination of any Justice or Justices of the Peace, made in pursuance of this Act, and not herein-before directed to be final and conclusive, may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the County of *Stafford*, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine

mine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of any Order or Determination, and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Public Act.

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

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