ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxxvii.

An Act to repeal so much of an Act of the Twenty-sixth Year of His late Majesty as relates to the supplying the Town of *Liverpool*, in the County Palatine of *Lancaster*, with Water, and to grant other Powers for supplying the said Town and Port, and the Shipping resorting thereto, with Water. [24th *June* 1822.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for opening, making, widening, and altering certain Streets, Passages, and Places within the Town of* Liverpool *in the County Palatine of* Lancaster *; for supplying the said Town with fresh and wholesome Water ; for removing and preventing Nuisances and Annoyances therein ; for appointing additional Market Places ; and for extending so much of the Powers of an Act of the Second Year of His present Majesty, as relates to Hackney Coachmen, Chairmen, Carters, and Porters, to a certain Distance beyond the Liberties of the said Town :* And whereas by the said Act the Common Council of the said Town of *Liverpool* were empowered to contract with the Owners or Proprietors of any Lands or Grounds situate and lying within the Liberties or Boundaries of the said Town, for the Liberty of digging for and collecting Springs or Fountains in such Lands or Grounds, and making and erecting Dams, Dam Heads, Ponds, Cisterns, Reservoirs, Engines, Buildings, or any other Devices whatsoever, for

26 G. 3. c. 12.

for the raising of Water and conducting the same into the said Town, for the Use of the Inhabitants thereof, and for laying any Pipes, Mains, or Troughs, and for forming, making, and perfecting any Aqueducts or other Matter or Thing whatsoever necessary for the above Purpose, and for altering, repairing, and continuing the same from Time to Time, and also for cutting and digging any Channel, Main, Cut, or Duct, in or through any of the Highways, Streets, or Lanes in the said Town, or the Liberties or Boundaries thereof, for the Purpose of laying down, altering, repairing, and continuing such Pipes, and for forming, making, and perfecting such Aqueducts or other Requisites for conveying Water thereby into the said Town and its Liberties, and every Part thereof, for the Use of the Inhabitants: And whereas the said Common Council, for the carrying into Execution the Purposes of the said recited Act, so far as the same related to the supplying of the said Town and Port of *Liverpool* with Water, did open a Subscription for the raising of Money to make and execute the necessary Works; and in pursuance thereof certain Persons, consisting chiefly of Householders in the said Town, did subscribe, in Four hundred Shares of Two hundred Pounds *per* Share, the Sum of Eighty thousand Pounds, which Sum, together with the further Sum of Fifteen thousand three hundred and twenty-four Pounds, since advanced by the said Subscribers, making in the whole the Sum of Ninety-five thousand three hundred and twenty-four Pounds, the said Subscribers have already laid out and expended in the Purchase of Springs, Lands, Tenements, Buildings, Reservoirs, Engines, Pipes, Implements, and Utensils, and in forming and establishing Works in the said Town and Liberties, for more effectually supplying the said Town and Liberties and Port, and the Shipping resorting thereto, with Water, and particularly in laying Main and other Pipes for conveying the Water to the Extent of more than Fifty-three Statute Miles, in the Highways, Streets, Lanes, Squares, Courts, and other public Places in the said Town and the Liberties thereof, by and through which they already supply with the purest Spring Water upwards of Thirteen thousand Families, and a numerous Shipping belonging and resorting to the said Port: And whereas it would tend much to the Accommodation of the Inhabitants of the said Town of *Liverpool*, and to the Shipping resorting to the said Port, if Provision were made for the better supplying them with Water: And whereas the several Persons herein named are willing and desirous at their own Expence to make Reservoirs and other Works, and lay Main and other Pipes, and to do every or any other Matter or Thing requisite and necessary for the Purposes aforesaid; but cannot effect the same without the Aid and Authority of Parliament: And whereas it would also tend greatly to the more effectual Completion of the Purposes aforesaid, if the said recited Act, so far as relates to the supplying the said Town and Port with Water, were repealed, and if the said Persons, Subscribers for the aforesaid Purposes, and also for the further Purposes herein contained, were incorporated, and if the Powers of the said recited Act, so far as relates to the supplying the said Town and Port with Water, were repealed, and if such Powers and Authorities as may be requisite for fulfilling all the Objects aforesaid were given to and vested in the said Subscribers as Proprietors: 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 so much of the said recited Act as vests the Powers and Authorities in the said Act contained, for the Purpose of supplying the said Town of *Liverpool* and Liberties, and the Inhabitants thereof, and the Shipping resorting to the said Town, with Water, in the Common Council of the said Town, shall be and the same is hereby repealed, and from and after the passing of this Act, *John Bridge Aspinall*, *Richard Allison* junior, *George Bainbridge*, *George Cole Bainbridge*, *George Hobson Bainbridge*, *Jane Bainbridge* junior, *Ann Kline Bainbridge*, *Henry Bainbridge*, *Maria Bainbridge*, *Frances Bainbridge*, *Charles Hobson Bainbridge*, *Frederick Bainbridge*, *George Cole Bainbridge*, and *Edward Griffiths*, the Trustees for *Jane Bainbridge* senior, *Harmood Banner*, *Thomas Banning*, *William Banning*, *Thomas Barton*, *George Bates*, the Executors of *Thomas Baynes* deceased, the Executors or Administrators of *Thomas Baynes* and *William Birbeck* deceased, *William Beckwith*, *Samuel Beetenson*, *Ann Beetenson*, *Emma Beetenson*, *Thomas Beetenson*, the Executors or Administrators of *Henry Berry* deceased, *Joshua Bowdon* and *William Thompson* Trustees for *Anne Banner*, the Executor of *Sarah Bird* deceased, *Charles Bird* junior, *Anne Bird*, *Charles Bird*, and *Anne Bird*, the Executrix and Executor of *William Bird* deceased, the Executors or Administrators of *George Blundell* deceased, *William Blundell* Clerk, the Executors of *Robert Bonsall* deceased, and *William Liptrot*, *George Booth*, *Thomas Booth*, the Executrix and Executors of *James Bowman* deceased, *Johnson Bradshaw*, *John Brancker*, *Peter Whitfield Brancker*, *Richard Brooke*, *Benjamin Bromfield*, *Thomas Brown*, *Henry Brown*, the Executrix and Executors of *Ashton Byrom* deceased, *Henry Byrom*, *William Byrom*, *Thomas Christian*, the Executors or Administrators of *Samuel Carrington* deceased, *Robert Wilson Carson*, *John Carson*, *George Case*, the Executors or Administrators of *Charles Clements* deceased, *Scrope Colquitt*, the Executors or Administrators of *William Corran* deceased, *George Crooke*, the Executors of *Nicholas Crooke* deceased, the Executors or Administrators of *James Crosbie* deceased, the Executors or Administrators of *John Culcheth* deceased, *Elizabeth Carr*, *Maria Collier*, *Richard Sweeting Dansie*, the Executors and Executrix of *James Davies* deceased, the Executors of *Thomas Davis* deceased, the Executor of *Pudsey Dawson* deceased, *William Deane*, *Robert Delap*, the Executors of *Benjamin Devaynes* deceased, *Henry Dircks*, the Executors of *William Dobson* deceased, *Thomas Downward*, the Executors of Sir *George Dunbar* Baronet deceased, *John Dennison*, *Margaret Dale*, *Thomas Earle*, *William Earle*, *John Eden*, *James Paston Edwards*, *Arthur Ellison*, *William Ewart*, *Anne Ewing*, the Executors of *Charles Fairclough* deceased, *Edward Falkener*, *Edmund Fearon*, the Executrix and Executor of *Joseph Fletcher* deceased, *Thomas Flint*, *William Forde*, *Richard Forshaw*, *John Foster*, the Executors of *William French* deceased, *James Gerrard*, *Mary Gerrard*, *James Gibson*, *John Gladstone*, *Murray Gladstone*, the Executrixes of *James Gildart* deceased, *William Gibson*, *Richard Golightly*, the Executrix and Executors of *Thomas Golightly* deceased, *Robert Greaves*, the Executors of *William Gregson* junior deceased, *Matthew Gregson*, *James Grocott*, *Edward Griffin*, *Martha Green*, *Maria Green*, *Mary Greenwood*, *Sarah Greenstreet*, *John Harding*, *William Harding*, *James Hamer*, *John Hargreaves*, *Isaac Harrison*, *Eleanor Jane Harrison*, *James Harvey*, *John Harvey*, *Mary Anne Newsom Hamilton*, *Gilbert Henderson*, *Ellis Leckonby Hodgson*, the Executors or Administrators of *Frodsham Hodson* deceased, the Executors of *Margaret Holland* deceased, *John Harrocks*, *Richard Hobson*, *Charles Horsfall*, *Alice Howard*,

Powers of former Act repealed.

Howard, the Executors of *William James* deceased, the Executors or Administrators of *Owen Jones* deceased, *Francis Jordan*, *Mary Anne Kearsley*, *Joseph Kaye*, *Archibald Keightley*, *Joshua Lace*, *William Lees* junior, *Eliza Lees*, the Executrix and Executors of *Peter Leicester* deceased, the Administratrix of *William Leigh* deceased, *John Leigh*, *Joseph Leigh*, *Henry Leigh*, the Administratrix of *Anthony Littledale* deceased, *John Livingston*, *Sarah Lorimer*, *Thomas Lowndes*, *John Lupton*, the Executors of *John Lyon* deceased, *Jane Lyon*, *Joseph Lyon*, the Executors of *Peter Marrow* deceased, *Thomas Marshall*, *Thomas Mather*, *Thomas Mather* junior, *Isabella Mather*, *Jane Mather*, *John Mather*, *Robert Mather*, *Daniel Mather*, *William Mather*, the Executors of *Thomas Moss* deceased, *John Moss*, the Executrix and Executor of *William Moss* deceased, *Thomas Molyneux*, *Betty Moss*, *Thomas Muncaster*, *Francis Maxwell*, *Welwood Maxwell*, and *William Boyd*, *Wood Metcalf*, *Margaret Monins*, *William Naylor*, the Administrators of *Thomas Naylor* deceased, the Executors or Administrators of *Anne Naylor* deceased, *Mary Naylor*, *Sarah Naylor*, the Executor of *Susannah Naylor* deceased, *Mary Newsham*, *Samuel Newton*, *John North*, the Administratrix of *Thomas Oakes* deceased, *Hannah Parke*, *James Parke*, *Frances Parker*, the Executors or Administrators of *Joseph Parr* deceased, the Executrix of *John Parry* deceased, *Thomas Penny*, the Executors or Administrators of *James Percival* deceased, *Ralph Peters*, *Elizabeth Preston*, the Trustees of the Will of *Jonathan Ratcliffe* deceased, *Thomas Rawsthorne*, *Joseph Redish*, the Executrix and Executor of *William Rogers* deceased, *Richard Roper*, *Catherine Roughsedge* and *Jane Roughsedge*, *Catherine Roughsedge*, *Eliza Sandbach*, *Anne Sandbach*, *Henry Sandbach*, *James Sandbach*, *Samuel Sandbach*, the Executors or Administrators of *Christopher Saverland* deceased, *William Salthouse*, the Executors or Administrators of *John Shaw* deceased, *Cuthbert Simpson*, the Executrix and Executors of *Thomas Slater* deceased, *Bryan Smith* junior, *William Smith*, *James Smedley* Clerk, the Executrix of *George Stavert* deceased, *William Stanistreet*, *Lydia Steers*, *Richard Swift*, *Charles Sydebotham*, *William Sydebotham*, *Isaac Stamper*, *William Swainson*, the Executors of *Charles Sydebotham* deceased, *Thomas Moss Tate*, *Richard Trotter Tatham*, *James Taylor*, the Administratrix of *Anne Tarbock* deceased, *Samuel Thompson*, *William Thompson* junior, *William Thorneley*, Sir *John Tobin* Knight, *Edward Todd*, *Richard Turner*, *Gilbert Harrison Timmins*, *William Thompson*, *George Venables*, the Executors of *William Waln* deceased, *Thomas Sherlock Webster*, *Ellen Webster*, *John Webster*, *Henry Welsby*, the Executors of *George Western* deceased, *Thomas Whalley*, *William Whitlow*, *Joseph Williams*, the Administratrix of *Catherine Willock* deceased, *Thomas Wilson* junior, the Executors of *Thomas Wilson* deceased, *John Wilson*, *John Wright*, the Executor of *William Naylor Wright* deceased, and *Mary Ward*, (being the several Persons who are now Subscribers for the said Purposes), together with such other Person or Persons, Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of One or more Share or Shares in the said Undertaking, and the several and respective Successors, Executors, Administrators, and Assigns of such several Persons, shall be and they are hereby accordingly united into a Company for the completing and maintaining the said Waterworks already made, and for making, establishing, completing, and maintaining the Works, Matters, and Things to be made or done under this Act, according to the Rules, Orders, and Directions herein-after expressed for supplying the Inhabitants of the Town and Port of *Liverpool* and the Liberties

Subscribers incorporated.

Liberties thereof, and the Shipping resorting thereto, with fresh and wholesome Spring Water, and shall for that Purpose be one Body Politic and Corporate by the Name and Style of "The Company of Proprietors of the *Liverpool* Corporation Waterworks," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall and may have Power and Authority to purchase, hold, and enjoy Springs, Lands, Tenements, and Hereditaments to them and their Successors and Assigns, where the same shall be necessary, for the Uses and Purposes of this Act, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain.

The Undertaking, &c. vested in the Company of Proprietors, and divided into 400 Shares.

II. And be it further enacted, That immediately after the passing of this Act all the Property of and in the said Undertaking or Concern, and of and in the Lands, Grounds, Buildings, Tenements, Hereditaments, and Premises already purchased, and now held and enjoyed by the said Subscribers as aforesaid, and hereafter to be purchased or possessed under the Authority of this Act as aforesaid, and of and in all the Pipes, Engines, Works, Buildings, Implements, Utensils, Machinery, Stores, Stock, and Materials relating thereto, and of and in all Manner of Rents, and Arrears of Rents, and outstanding Debts due and to become due to the said Subscribers, and of and in all the Gains and Profits arising from the said Waterworks, and all the Estates and Interests of the said Subscribers respectively therein, and all Benefit and Advantage of and in the same, and to be derived therefrom, (after and first deducting the Money laid out and expended in obtaining and passing this Act, and all other incidental Costs, Charges, and Expences whatsoever, touching or concerning the same in anywise howsoever, and which said Money and Expences shall be respectively borne, paid, and defrayed by the said Company of Proprietors, or their Successors or Assigns,) shall be and accordingly are hereby declared to be divided into Four hundred equal Parts or Shares, and is and are hereby (so divided) vested in the said Company of Proprietors, their Successors and Assigns, and they the said Proprietors, their Successors, Executors, Administrators, and Assigns, shall severally and respectively be entitled to and interested in the said Concern or Undertaking, and to such a Number of the said Four hundred Shares therein as they now severally and respectively hold or have, or are interested in the said Undertaking or Concern, but under and subject to such Clauses, Conditions, Provisoes, Restrictions, Rules, Orders, and Regulations as are in this Act contained, and as shall hereafter be made by the said Company of Proprietors in manner herein-after mentioned.

Names of Proprietors to be entered, and Tickets of Shares delivered to them.

III. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their first or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall be then legally entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which each Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry made, to cause the

Common Seal of the said Company of Proprietors to be affixed thereto; and shall cause a Ticket or Instrument, with the Common Seal of the said Company of Proprietors affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking, and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

'The Company of Proprietors of the *Liverpool* Corporation Water-
'works:

'Number
'THESE are to certify, That *A. B.* of is a
'Proprietor of the Share, Number being One Share of
'the *Liverpool* Corporation Waterworks, subject to the Rules, Regu-
'lations, and Orders of the said Company of Proprietors; and that the
'said *A. B.* his [*or* her] Executors, Administrators [*or* Successors], and
'Assigns, is and are entitled to the Profits and Advantages of such
'Share. Given under the Common Seal of the said Company, the
'Day of in the Year of our
'Lord

'Passed under the Seal, } *C. D.* Chairman.
'in the Presence of } *E. F.* Deputy Chairman.'

First Committee of Directors appointed.

IV. And be it further enacted, That for the better managing and conducting the Affairs of the said Company, there shall be Nine Directors, Three of whom shall be Members of the Common Council of the said Town of *Liverpool*, to be from Time to Time yearly nominated by the said Common Council, and the remaining Six Directors shall be from Time to Time yearly chosen by, from, and out of the Proprietors of the said Concern, as herein-after mentioned; and that *John Bridge Aspinall*, *John Wright*, and *Thomas Littledale*, Members of the said Common Council, and *Robert Greaves*, *George Cole Bainbridge*, *Harmood Banner*, *Charles Bird*, *William Banning*, and *William Thompson*, shall be the first Nine Directors of the said Company of Proprietors, and they, and the Survivors and Survivor of them, are and shall respectively continue to act as such Directors in the Management of the said Concern until the Second *Tuesday* in the Month of *January* One thousand eight hundred and twenty-three, and from thence until others shall be respectively duly appointed in manner herein-after mentioned: Provided always, that no Person whatsoever being or becoming a Proprietor of or interested in or in any Manner concerned in the Direction or Management of any other Works for supplying the Town and Port of *Liverpool*, or any of the Townships or Places adjacent, with Water, shall at any Time be eligible to be or be elected a Director, or to act in any Capacity whatever in or relating to the Direction and Management of the *Liverpool* Corporation Waterworks.

V. And

Time and Place of Meeting of Directors, &c.

V. And be it further enacted, That the Directors of the said Company for the Time being may meet when, where, and as often as they please, and shall keep a Minute Book, in which shall be fairly and legibly entered their Proceedings and Transactions; and that the said Directors for the Time being shall from Time to Time elect a Chairman and Deputy Chairman from amongst themselves, any Five of which Directors (but of which Five the Chairman or Deputy Chairman shall be One) shall have full Power and Authority to act in the Management and Direction of the Affairs of the said Company, and a Majority of such Directors so formed as aforesaid shall be competent to decide upon any Question before them, and to act for and on the Behalf of the said Company of Proprietors; and if any Difference of Opinion shall arise, and the Number of Votes of the said Directors shall be equal, the Chairman for the Time being, as such, shall have the casting or decisive Vote in addition to his Vote as a Director; but if at any Meeting of the said Directors (to be called by or under the Authority of the Chairman, or of the Deputy Chairman in his Absence, or by the Remainder of the Directors in the Absence of both the Chairman and Deputy Chairman from the Town of *Liverpool* or its Vicinity,) neither the Chairman nor the Deputy Chairman shall be present, the Majority of the Directors then present shall elect a Chairman from amongst themselves for that Meeting only, and the Directors shall then be competent to act, provided the requisite Number be then present, and such Chairman shall have a casting Vote as herein-before provided in case of the regular Chairman; and that the Directors for the Time being of the said Company shall have the sole Superintendance and Management of the Works and Affairs of the said Company, and shall and may from Time to Time appoint and employ a Treasurer, Managers, Secretaries, Engineers, and other Officers, Collectors, Clerks, Agents, and Workmen, for such Time and Times, at such Salaries or Wages, or with such other Remuneration as may be thought proper, and remove or discharge any of them when necessary or proper, and shall have general Power and Authority to enter into and make such Contracts and Engagements as in their Judgments shall be from Time to Time requisite, for the better managing, carrying on, and conducting the Affairs and Concerns of the said Company; and shall from Time to Time pay and apply, out of the Funds of the said Company, such Sums of Money as shall be requisite for those several Purposes: Provided always, that the said Company shall take good and sufficient Security from the said Treasurer and other Officers as aforesaid, for the due Discharge and Execution of such their respective Offices, and for the Money that may come into their Hands.

Clerk restrained from acting as Treasurer, &c.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any

of

of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Two Half-yearly General Meetings to be held for auditing and passing the Accounts.

VII. And be it further enacted, That a General Meeting of the said Company of Proprietors shall be called by the said Directors Twice in each Year, to be held at some convenient Place in *Liverpool* aforesaid, *videlicet*, on the Second *Tuesday* in *July*, and the Second *Tuesday* in *January* in every Year; and that the First Meeting under this Act shall be held on the Second *Tuesday* in *July* One thousand eight hundred and twenty-two, at all of which Meetings the Books and Accounts of the said Company, having been previously audited, shall be produced and passed; and that the Year on which the Gains and Profits of the said Company shall be computed shall commence on the First Day of *January* and end on the Thirty-first Day of *December* in each and every Year, and Division and Payment of such Gains and Profits shall be made in manner herein-after mentioned, within Thirty Days next after the next General Meeting appointed to be held on the Second *Tuesday* in the Month of *January* in each Year, or as much sooner after such General Meeting as conveniently may be; and the First Division and Payment of the Gains and Profits of the said Company shall be made in the Month of *February* One thousand eight hundred and twenty-three: Provided always, that when, in the Judgment of the Directors for the Time being, the Gains and Profits of the said Company may with Convenience be divided into Two Half-yearly Payments, the same shall be so divided and paid in manner herein-after mentioned, as soon as conveniently may be after each Half-yearly Meeting of the Company of Proprietors as aforesaid.

How Directors to be appointed.

VIII. And be it further enacted, That Three Members of the Common Council of *Liverpool* shall be from Time to Time nominated by the said Common Council, and notified under the Hand of the Town Clerk of *Liverpool*, addressed to the Chairman or Deputy Chairman for the Time being of the Directors of the said Company, previous to every Annual General Meeting of the said Company in the Month of *January* in each Year; and that Six of the said Company of Proprietors, together with the said Three Common Council Men so nominated as aforesaid, shall be appointed by the Persons present, representing a Majority of Shares, at a General Annual Meeting of the said Company of Proprietors to be held on the Second *Tuesday* in *January* in each and every Year, and that such Nine Persons respectively, so nominated and appointed, shall be the Directors of the said Company of Proprietors, and shall continue to be Directors for the Space of Twelve Calendar Months next ensuing the Annual General Meeting at which they shall be so nominated and appointed, and from thence until Nine other Directors shall be respectively nominated and appointed as after mentioned; and if at any Time there shall not be any Person so to be nominated and appointed by and on behalf of the said Common Council, acting in the Direction and Management of the said Company, it shall and may be competent to the Persons or Person so to be appointed by and on behalf of the said Company of Proprietors, or the Survivors or Survivor of them, to act as Directors of the said Company; and if at any Time there shall not be any Person so to be appointed by the said Company of Proprietors, acting in the Direction and Manage-

ment of the said Company, it shall be competent to the Persons or Person so to be nominated and appointed on behalf of the said Common Council, to act as Directors of the said Company of Proprietors, until such Time as other Directors can and shall be nominated by the said Common Council, or appointed by the said Company of Proprietors respectively, and which in every Case shall be done forthwith.

Supplying Vacancies of Common Councilmen in the Direction.

IX. And be it enacted, That on the Death, Resignation, or Incapacity of any of the Directors of the said Company who shall have been at any Time nominated by the said Common Council, and appointed by the said Company, it shall and may be lawful for such Common Council, and they are hereby required, within Three Calendar Months after such Death, Resignation, or Incapacity, to nominate a Person or Persons, being a Common Councilman or Common Councilmen, in the Room or Stead of the Person or Persons so dying, resigning, or becoming incapacitated.

Company may call a Special Meeting to fill up Vacancies in the Direction.

X. And be it further enacted, That upon the Death, Resignation, or Incapacity of any of the Directors to be appointed from Time to Time by the said Company of Proprietors, the surviving and remaining Directors shall and may and are hereby required, within Fourteen Days thereafter, to call a Special Meeting of the said Company of Proprietors, who shall thereupon elect another or others of the said Company of Proprietors to fill up the Vacancy or Vacancies occasioned by such Death, Resignation, or Incapacity.

No Person to be entitled in his own Right to more than Five full Shares in the Concern.

XI. And be it further enacted, That no Person, either alone or jointly with any other or others, shall hold, or be interested in, or in any way entitled to more or a greater Number than Five full Shares, as and for his or her own Proportion thereof, of and in the Capital or Stock, or the Gains and Profits of the said Company (except by Purchase for a valuable Consideration of such forfeited Shares as may be sold by the Company of Proprietors under this Act, or by voluntary Donation, Marriage, Testamentary Bequest, or by Operation of Law); and if any Person shall hold or be interested in or entitled to more than Five full Shares (except as aforesaid), all such Share and Shares wherein he or she shall be so possessed of, interested in, or entitled to, over and above the Five full Shares aforesaid, shall be and become forfeited to the said Company of Proprietors, and the same shall be sold and disposed of by the said Company, and the Money which the same shall produce shall be accounted for as Part of the Gains and Profits of the said Company; all or any of which said forfeited Shares any of the said Company of Proprietors shall be at liberty to purchase and hold, notwithstanding he or she shall previously be possessed of Five Shares in the said Company.

Forfeitures to be notified to next or any subsequent Meeting of Proprietors, to be then determined on, &c.

XII. And be it further enacted, That all Forfeitures arising from any of the said Company of Proprietors, being possessed of or interested in more than Five full Shares in the said Company as aforesaid, shall be notified by the said Directors for the Time being to the said Company of Proprietors at their then next or any subsequent Meeting after any Discovery of such Forfeiture shall be made, and the Majority in Number of the Votes of the said Company of Proprietors, present at any such Meeting as aforesaid, shall determine such Forfeiture, and may, if they shall think proper, dispense with such Forfeiture on such Terms and

Conditions, and in such Manner as may be then and there thought proper and directed; any thing herein-before contained to the contrary in anywise notwithstanding.

Special Meetings may be called, and Rules, &c. rescinded or altered, and others made.

XIII. And be it further enacted, That it shall be lawful for the Chairman, or in his Absence for the Deputy Chairman for the Time being of the said Directors, or in the Absence of both, to and for the Majority of the Remainder of the Directors for the Time being, if he or they shall see Occasion, to call any Special General Meeting of the said Company of Proprietors, at any other Times than those before mentioned, at *Liverpool* aforesaid, and from Time to Time to adjourn the same when and as the same shall be found necessary; at which said Special Meetings and Adjournments thereof, as also at the General Meetings, by this Act before directed to be called, the Majority in Number of Shares in the said Company, present at any such Meetings (provided the Proprietors present be not less in Number than Twenty, and possessing in their own Right not less than Fifty full Shares in the said Company), may revoke, rescind, amend, modify, alter, vary, or change any of the Rules and Directions which may have been prescribed or laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Meetings, and voting for and appointing Directors, the limiting the Number of Shares which each Proprietor may only possess in the said Company, and the Appropriation of the Gains and Profits of the said Company, so far only as regards the Compensation by this Act provided to be made thereout, only excepted); and shall have Power and Authority to make such other Rules, Orders, and Regulations for the better conducting and managing the said Undertaking, and from Time to Time to alter and repeal the same, as to the said Proprietors at such Meeting shall from Time to Time appear necessary; and that Notice be from Time to Time given of the Time and Place of every such Meeting, and of the Alterations or Amendments of the existing Rules and Regulations of the Company intended to be proposed, by publishing the same Once in Two of the *Liverpool* Newspapers, at least Seven Days previous to any such Meeting taking place.

Proprietors to have as many Votes as Shares.

XIV. And be it further enacted, That each of the Proprietors in the said Company shall have as many Votes as he or she hath full Shares in the said Undertaking; and if any Share shall become vested in One or more Persons, there shall be only One Vote in respect of each such Share, and that One Person only shall attend any of the Meetings to be called by virtue of this Act, and give his or her Vote for and in respect of each such Share; and that if any Share or Shares, or Interest in the said Undertaking, now is or are or shall become vested in any Person or Persons under the Age of Twenty-one Years, or under any other legal Disability, the Votes in respect of such Share or Shares shall be suspended until such Infant or Infants shall attain his, her, or their Age or Ages of Twenty-one Years, or such other Person or Persons shall become competent to act in his, her, or their Affairs; but the Gains and Profits in respect of such Share or Shares, and Interest, shall be from Time to Time, during the respective Minority of such Infants, paid to his, her, or their Guardian or Guardians, and during the Incapacity of such other Person or Persons, to his, her, or their Trustees or Committees entitled by Law

to

to give Discharges for the same; and such Payments shall be valid and conclusive against all such Persons on whose Behalf any such Payments have been made.

Company may contract for Springs, &c. for making Reservoirs, and supplying Town, &c. with Water.

XV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Company of Proprietors to contract and agree with the Owners or Proprietors of any Lands or Grounds situate and lying within the said Town of *Liverpool*, and the Liberties or Boundary thereof, for the Liberty of digging for and collecting Springs and Water in such Lands or Grounds, and making, erecting, and completing Dams, Dam Heads, Ponds, Cisterns, Reservoirs, Engines, Buildings, or any other Matter or Thing whatsoever, for the procuring and raising Water, and conducting and conveying the same into and through the Streets, Squares, Lanes, Public Passages, and Places of the said Town of *Liverpool*, and the Liberties thereof, for the Use and Benefit of the Inhabitants thereof, and for the Shipping resorting to the said Port of *Liverpool* and its Liberties, and for laying any Main or Mains, Pipe or Pipes, and for forming, making, perfecting, and completing any other Works, Matters, or Things whatsoever necessary for carrying into effect and completing all and every or any of the above several Purposes, and for altering, varying, changing, repairing, and continuing the same from Time to Time, subject to the several Provisions herein-after mentioned.

Company may break up Highways, &c.

XVI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, their Successors and Assigns, at any Time or Times, by themselves, their Deputies, Engineers, Officers, Agents, Workmen, and Servants, for all or any of the Purposes of this Act, to break up and remove the Soil, Posts, Curbs, Bulk Heads, Bars, Sewers, Drains, Pavements, Flags, and gravelled and other Ways of any of the present or future Public Roads, Highways, Streets, Squares, Lanes, Passages, Alleys, Weints, Courts, Footways, Quays, and other Public Places in the said Town of *Liverpool* or its Liberties (Market Places excepted), and to dig and sink Trenches, and lay Pipes, and put and affix Stop Cocks, Chamber Cocks, Fire Cocks, Fire Plugs, and Branches from such Pipes, and to do all such other Matters and Things, at such Times, and in such Manner as they shall judge necessary for distributing and conveying such Water in the most ample and convenient Manner to and into the respective Houses, Offices, and other Buildings of the said Inhabitants of the said Town and Liberties thereof, and for supplying the Shipping resorting to the said Port with Water, and from Time to Time, as Occasion may require, to alter, vary, and change the Position of, and repair, relay, and maintain all such Pipes, Cocks, Plugs, and Machinery, and to do all such other Acts, Matters, and Things as they shall from Time to Time deem necessary or proper for amending, repairing, completing, improving, using, and perfecting as well the Works already established as those authorized by this Act to be made, done, and provided for the Purposes and according to the Intent and Meaning hereof, they the said Company of Proprietors, their Deputies, Engineers, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted: Provided always, that nothing in this Act contained shall authorize or empower the said Company of Proprietors,

tors, or any Person acting under their Authority, to make any Reservoir, Aqueduct, Tunnel, Feeder, or other Works for the Supply of Water, across or over, or to enter into or upon the private Lands or Grounds of any Body Politic, Corporate, or Collegiate, or of any Person or Persons whomsoever, without the Consent of the Owner or Owners, and Occupier or Occupiers thereof; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Engineers, Servants, Agents, Workmen, and all other Persons whomsoever, for all Acts, Matters, and Things they or any of them shall do by virtue thereof, subject to such Provisoes or Restrictions as are herein contained.

Company in laying Pipes to make good the Pavement.

XVII. Provided always, and be it further enacted, That the said Company, in laying or repairing any such Pipes, Plugs, Cocks, or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby; and the said Company shall in the meantime fence or guard, and affix Lights during the Night, at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages, and by and according to the Directions and Provisions contained in all or any of the Acts of Parliament in force for paving, lighting, watching, and improving the said Town of *Liverpool* and Liberties thereof, or any of them, or for preventing Nuisances therein: Provided also, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads; or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be fenced or guarded and lighted, then and in every such Case it shall be lawful for the Person or Persons, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Pavements or Roads shall be, or to and for the Surveyor for the Time being of the Trustees of the *Liverpool* Docks, or the Surveyor for the Time being of the said Mayor, Bailiffs, and Burgesses of *Liverpool*, or to and for the Surveyors of the Highways of the said Town and Liberties thereof, to fill in such Grounds and remove such Rubbish, and to repair and make good the Pavement of any Street, Square, Highway, Quay, Bridge, Market Place, Court-yard, Road, Way, Lane, Passage, or other Place so broken up, and properly to fence or guard any such Trench or Excavation, 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 Company, or their Treasurer or Treasurers; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said Borough of *Liverpool*,) all such reasonable Costs, 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 Company, 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 empowered to grant; and such Penalties, Costs, Charges, and Expences shall be paid to such Sur-

veyor or Surveyors as aforesaid: Provided always, that if after such Pavements or Roads shall have been so repaired and made good, the same shall, within Six Calendar Months thereafter, give way or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall be forthwith done and performed by and at the Expence of the said Company.

If any Question arise as to Sufficiency of Pavement, to be referred to a Justice, &c.

XVIII. Provided always, and be it further enacted, That if any Question shall arise between the said Company of Proprietors, or any of the Parties aforesaid, relative to the proper Reinstatement, sufficient or insufficient Repair or Maintenance of the Pavement, under the Provisions of this Act, of any of the Highways or Places wherein the said Company may have laid any Pipes, or constructed any Works, it shall and may be lawful to and for any Justice of the Peace of the Borough of *Liverpool*, upon Information and Complaint before him, to summon the Manager, Clerk, or Engineer of the said Company, and to hear and determine the Matter in a summary Way, and to award and adjudge such Sum of Money by way of Damages against the said Company, together with such Costs and Charges as to such Justice shall seem proper; and the Amount of such Damages so awarded and adjudged shall and may be recovered from the said Company by Action of Debt, or as any other Penalty is recoverable under this Act: Provided always, that it shall not be competent for any Justice of the Peace to hear or determine any such Question as aforesaid, unless Two full Days Notice by the complaining Party shall have been given to the said Company of the intended Application to such Justice, with the Grounds of such Complaint.

Company to give Notice of laying Pipes on Dock Quays, &c.

XIX. Provided always, and be it further enacted, That if the said Company of Proprietors shall be desirous of entering into or upon any of the present or future Docks, Quays, or Wharfs of the Port of *Liverpool*, for the Purposes of this Act, the said Company of Proprietors, or some Person or Persons on their Behalf, shall give Thirty Days Notice in Writing to the Trustees of the *Liverpool* Docks, or their Secretary or Surveyor for the Time being, describing the Line or Lines, Place or Places, in which they propose to lay or place any Pipes, Pumps, or other Works; and if the said Trustees shall require the Line or Lines, Place or Places thereof to be varied, then the said Company of Proprietors, their Successors or Assigns, shall cause such Pipes, Pumps, or other Works to be laid or placed in such other Place or Places, suitable for the Purpose, as the said Trustees, or their Surveyor for the Time being, shall, previous to the Expiration of such Thirty Days, describe and point out.

Public Sewers, &c. not to be altered without Consent of the Surveyor of Corporation of Liverpool.

XX. Provided always, and be it enacted, That the Course and Direction of the present and future Public Sewers and Drains in *Liverpool* and its Liberties shall not be altered or changed, nor shall they be broken into, disturbed, or interfered with by the said Company of Proprietors, without the previous Consent of the Common Council of the said Town of *Liverpool* for the Time being, to be signified in Writing under the Hand of their Surveyor, or without the previous Consent of the Surveyors of the Highways of the said Town, as the Case may require; and that if any Alteration shall be made (with such Consent), then such Sewers and Drains shall be again made good to the Satisfaction of the said Surveyors respectively,

by and at the Expence of the said Company of Proprietors, as soon as conveniently may be: Provided also, that no Alteration shall be made in the present or future Tunnels used for cleansing any of the present or future public or private Docks in the said Town, or in *Toxteth Park*, nor shall they in anywise be interfered with, broken into, or disturbed, without the previous Consent of the Trustees of the *Liverpool* Docks, to be signified in Writing under the Hand of the Surveyor for the Time being of the said Trustees, or with the Consent in Writing of the Owner or Occupier for the Time being of any private Dock, as the Case may be; and that if any Alteration shall be made (with such Consent), then the said Tunnels shall be again made good to the Satisfaction of the Surveyor of the said Trustees, or other Parties interested, by and at the Expence of the said Company of Proprietors, as soon as conveniently may be.

Company may purchase Lands, &c.

XXI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and their Successors and Assigns, to treat, contract, and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for the Purchase of any Lands, Grounds, Tenements, or Hereditaments which they are enabled to purchase by virtue of this Act, or to accept and take any Lease or Leases thereof, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain.

All Persons may sell to the Company Lands, &c.

XXII. And whereas it may happen that some Person or Persons, Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Minors, Femes Covert, Committees of Lunatic Estates, or others who are seised or possessed of and entitled unto or interested in Lands, Buildings, and Hereditaments, or some Part or Share thereof, that may be or become necessary to be purchased or possessed by the said Company of Proprietors, their Successors or Assigns, for the Purposes of this Act, may be willing to treat and agree to sell such Lands, Buildings, and Hereditaments, but are incapable of contracting for, selling, or conveying the same; be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Trustees, Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs, Successors, and Assigns, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person and Persons whomsoever, and to and for all Femes Covert who are or shall be seised or possessed in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Buildings, and Hereditaments which shall be necessary to be purchased for the Purposes of this Act, to sell and convey all or any such Lands, Buildings, and Hereditaments, and all their Estate, Right, Title, and Interest whatsoever of, in, or to the same, to the said Company of Proprietors, or their Successors or Assigns, for the Purposes in this Act contained; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act as aforesaid, and also all Conveyances and Assurances which shall hereafter be made in pursuance of Contracts already entered into, for all or any of the before-mentioned Purposes, shall be good and valid in the Law to all Intents, Constructions, and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but

also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, and all claiming or to claim by, from, or under them, or any of them, without any Fine or Fines, Common Recovery or Common Recoveries, had, made, levied, or suffered, and as if such Fine or Fines had been acknowledged, or Common Recovery or Common Recoveries suffered, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary in anywise notwithstanding; and all such Persons so selling and conveying as aforesaid shall be and are hereby indemnified for what they shall do by virtue and in pursuance of this Act, notwithstanding any Omission or Mistake in Matter or Form whatsoever.

Bargains and Sales enrolled under the Act to have the Effect of Fines and Recoveries.

XXIII. And be it further enacted, That all Bargains and Sales whatsoever, to be made and acknowledged by any Person or Persons whomsoever, and which shall be inrolled in the said Court of Quarter Sessions for the said County, or in any of His Majesty's Courts of Record at *Westminster*, of any such Lands, Buildings, and Hereditaments as shall be purchased by virtue of and for the Purposes of this Act, shall have the same Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever, would have levied or suffered by the Bargainor or Bargainors, or any Person or Persons seised of any Estate in the Premises, to the Use of or in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

Company may sell Lands if not wanted;

XXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey such Part or Parts of the Lands, Buildings, or Hereditaments which have been already purchased by the said Subscribers, or which shall hereafter be purchased by the said Company of Proprietors, or their Successors, and which shall not be wanted for the Purposes aforesaid; and that all such Conveyances from the said Company of Proprietors, under their Common Seal, shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Buildings, Hereditaments, and Premises, or any Part or Parcel thereof, it shall be lawful for the Clerk or Clerks for the Time being to the said Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Buildings, Hereditaments, and Premises shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and such Person or Persons shall not be answerable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof; and that all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors, as the Consideration of any such Sale as aforesaid, shall be carried to the Credit of the Stock Account of the said Company, and by the said Company either expended as an Advance in the Completion of the Purposes of this Act, or to be divided amongst and

paid

paid to the said Company of Proprietors according to their respective Shares and Interest therein, as Capital, and not as Gain or Profit of the said Company.

but not to sell or dispose of their Rights under this Act.

XXV. Provided always, and be it enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by this Act, of supplying with Water the said Town and Liberties of *Liverpool*, and the Shipping resorting to the said Port, to any Person or Persons whomsoever, Body or Bodies Politic or Corporate whatsoever.

Application of Purchase Money when amounting to 200*l.*

XXVI. And be it further enacted, That all Sums of Money which shall be so contracted for or agreed to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, for or on behalf of any Lunatics, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, for the Purchase of any Buildings, Lands, or Hereditaments by virtue of the Powers of this Act, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Company of Proprietors of the *Liverpool* Corporation Waterworks, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Buildings, or Hereditaments, in the Redemption or Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Buildings, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to or for or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Buildings, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the

the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so to be purchased, in case such Purchase and Settlement were made.

Application of Purchase Money when under 200*l.* and not less than 20*l.*

XXVII. Provided always, and be it further enacted, That in case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Directors of the said Company (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the High Court of Chancery.

When less than 20*l.*

XXVIII. And be it further enacted, That in case the Money payable to such Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments in respect whereof the same shall be paid, in such Manner as the said Company shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Directors of the said Company shall direct the same to be paid, shall be sufficient Discharges for the same.

In case of disputed Titles, &c.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, or for the Purchase of any Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and

taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXX. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with all the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, and which said Company of Proprietors shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Subscribers compelled to pay their Subscriptions.

XXXI. And be it further enacted, That the respective Persons who have subscribed or who shall hereafter subscribe or advance any Money, for and towards making and maintaining the Works hereby authorized to be made, shall and are hereby required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors by virtue of the Powers and Directions of this Act, at such Times and Places, and in such Manner as shall be directed by the said Company; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Directors to reimburse the Expence of putting this Act in force, and not to be answerable, &c.

XXXII. And be it further enacted, That the said Directors for the Time being, their Executors and Administrators, each and every of them, may from Time to Time and at all Times retain to and reimburse themselves and himself by and out of any of the Monies which by virtue of this Act shall come to his, their, or any of their Hands, all such Costs, Charges, Damages, and Expences as they or any of them shall bear, pay, sustain, expend, or be put unto, or become liable to pay, in or about or relating to the said Undertaking, and the Execution of the Powers hereby given to them the said Company of Proprietors; and the said Directors for the Time being, or any of them, their or any of their Heirs, Executors, or Administrators respectively, shall not at any Time or Times be charged or chargeable, but each of them for his own respective Acts and wilful Defaults, and not otherwise, and shall not be charged or chargeable with or accountable for any Sum or Sums of Money, Property, or Effects,

other than such as shall actually come to his or their own Hand or Hands, Custody or Possession respectively.

Company may contract for Supply of Water.

XXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to contract and agree with any Person or Persons for a Supply of fresh and wholesome Spring Water, which shall not have been injured in Quality, for any of the Pipes, Mains, or Troughs, Reservoirs, or other Works of the said Company of Proprietors, that may be necessary and requisite for all or any of the Purposes aforesaid, and for the more effectual and better supplying with Water the Inhabitants of the said Town and Port of *Liverpool*, and Liberties thereof, and the Shipping resorting thereto, as aforesaid.

Beneficial Interest of Proprietors to be deemed Personal Property, and as such transferrable.

XXXIV. And be it further enacted, That the beneficial Interest of the said Proprietors of and in the Undertaking shall be and be considered as Personal Property, and shall be assignable, transferrable, and devisable accordingly; and, in case of the Decease of a Proprietor intestate, shall vest in the Personal Representatives of such Proprietor as Personal Property; and the Conveyance of such Interest shall in all Cases be in the Form or to the Effect following; (*videlicet*),

Form of Transfer of Shares.

'I *A. B.* in consideration of paid to me by
'*C. D.* of do hereby bargain, sell, assign, and
'transfer to the said *C. D.* my Share [*or* Shares] numbered of
'and in the Capital or Stock of and in the *Liverpool* Corporation Water-
'works, and of and in the Interest, Gains, and Profits to arise and be-
'come payable in respect thereof, to hold to the said *C. D.* his [*or* her]
'Executors, Administrators, and Assigns, subject to the same Rules,
'Orders, and Restrictions, and on the same Conditions that I [*or* we]
'held the same, immediately before the Execution hereof. And
'the said do hereby agree to take and accept
'the said Capital Stock or Share [*or* Shares], subject to the same Rules,
'Orders, Restrictions, and Conditions. As witness Hand and
'Seal the Day of .'

And on every such Sale the said Deed of Transfer (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk appointed by the said Company of Proprietors shall have examined into the Correctness of such Transfer, and entered in a proper Book, to be kept by the said Company at their Head Office in *Liverpool* for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified the Entry of such Memorial by an Indorsement under his own Hand on the said Deed of Sale and Transfer, for all which no more than Three Shillings and Sixpence shall be paid; and the said Person so appointed is hereby required to make such Entry or Memorial and Certificate accordingly; and until such Memorial shall have been made and entered, and such Certificate given as above directed, such Purchaser or Purchasers shall have no Interest in any Part of the Capital, or any Part or Share of the Gains and Profits of the said Undertaking, paid to him, her, or them, nor shall he, she, or they attend any Meeting of the said Proprietors or Directors,

Directors, or be eligible to vote or act in respect thereof as a Proprietor or Proprietors of the said Undertaking.

Water may be used in extinguishing Fire, &c.

XXXV. Provided also, and it is hereby enacted, That it shall and may be lawful for any Person or Persons whatsoever at all Times to use and employ the Water which shall so as aforesaid be contained in any Reservoir or Main Pipes (and which Main Pipes shall always be left full at Night,) in the extinguishing of any Fire or Fires which may happen to any House or Building within the said Town and the Liberties or Boundaries thereof, or which may happen to any Ship or Vessel lying in any of the present or future Docks or Basins of the said Port, without any Compensation or Satisfaction whatsoever to be made to the said Company of Proprietors, or to any other Person or Persons whatsoever; any thing herein contained to the contrary thereof in anywise notwithstanding.

To limit the Rates to be paid for Water.

XXXVI. And be it further enacted, That the said Company of Proprietors shall be obliged to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House, or other Premises, or Part of a private Dwelling House, in any Road, Highway, Street, Square, Lane, Court, Alley, Passage, or Weint of the said Town of *Liverpool* or the Liberties thereof, where the Pipes of the said Company of Proprietors now are or hereafter shall be laid, for the Use of his or her own Family, at the following Rates *per Annum;* that is to say, where the Rent of the Habitation, Dwelling House, or other Premises shall be at or under Eight Pounds, at a Rate *per Centum per Annum* not exceeding Five Pounds; and where the Rent of such Habitation, Dwelling House, or other Premises, where any Part of such Premises belonged to or are rented with the Habitation, Dwelling House, or other Premises, or Part of a Habitation, Dwelling House, or other Premises as aforesaid, shall be above Eight Pounds *per Annum*, and shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such Rent shall be above Twenty Pounds, and not exceed Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings; and where such Rent shall be above Forty Pounds, and not exceed Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and where such Rent shall be above Sixty Pounds, at a Rate *per Centum per Annum* not exceeding Four Pounds Ten Shillings; and every such Rate shall be payable according to the actual Amount of the Rent, where the same can be ascertained, and, where the same cannot be ascertained, according to such Rent as such Inhabitant shall be assessed for the House Tax; and such several Rates shall be payable to the said Company of Proprietors by Quarterly Payments, unless some Agreement to the contrary shall have been made: Provided nevertheless, that the said Company shall not be entitled to receive from any such Inhabitant more than the Sum of Eight Pounds in any One Year for such Supply; and provided further, that in case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or her own Family's Consumption, or Persons requiring a Supply of Water for Public Baths, or Baths let for Hire, Ponds or Pools, or for washing of Carriages, where such stand at Livery or are kept for Hire, or for Cows or Horses kept for Trade or Hire, or for the Purposes of any Trade

Trade or Business whatsoever, other than and except the Supply to Shipping, such Supply shall be furnished by the said Company of Proprietors in such Case, at such Rate as shall be settled by and between the Directors or Committee of Management of the said Company and such Persons respectively: Provided always, that all Shops with Dwelling Houses attached, the annual Rents of which shall exceed Twenty Pounds, shall be separately valued, the Dwelling House as if no Shop was attached thereto, and shall be charged according to the before-mentioned Rates for Houses, and the Shop shall pay a separate Rate, not exceeding Twenty-five Shillings; and where a Shop separately occupied shall be of the annual Value of Twenty Pounds and upwards, the same shall be charged at a Rate not exceeding Twenty-five Shillings: Provided also, that the Rate of Charge for Water supplied to the Shipping resorting to the said Port shall not exceed One Shilling for each Cask, the Gauge of Contents of which shall not exceed One hundred Gallons; and that the Rate for every Cask which shall contain more than One hundred Gallons shall be in the same Proportion, according to its Contents.

Company may erect Pipes to supply Shipping with Water.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to make and erect proper and convenient Pipes, standing upright in the Likeness of Pumps, to be erected and set up, of any reasonable Height, against any adjoining Building, Wall, or Fence of the Quays or Wharfs in the said Town and Port of *Liverpool*, in such Situation as such Company shall deem proper, for the more convenient Supply of the Shipping resorting to the said Town and Port of *Liverpool* aforesaid with Water; and also in like Manner and for the like Purpose (the Consent of the Trustees of the *Liverpool* Docks having been previously obtained) from Time to Time to make and erect proper and convenient Pipes, standing upright in the Likeness of Pumps, on such Parts of the said Quays and Wharfs as such Dock Trustees shall from Time to Time appoint; and that the said Company shall from Time to Time, at their own Expence, remove and take away such upright Pipes, within Forty Days after Notice in Writing to the said Company of Proprietors for that Purpose by the Surveyor of the said Trustees from Time to Time shall be given; and that in default of their so doing, that then the Trustees of the said Docks shall have Power to remove the same at the Expence of the said Company of Proprietors, such Expence to be recoverable by Action in the Names of the Trustees of the *Liverpool* Docks against the said Company of Proprietors.

In default of Payment of Money on Contracts for Water, Company may separate Pipes, &c.

XXXVIII. And be it further enacted, That in case of Default in Payment of any such Rate or Rates, Sum or Sums of Money so to be paid as aforesaid, or upon or pursuant to any such Contract or Agreement for Water as aforesaid, by any such Person or Persons as aforesaid, it shall be lawful for the said Company of Proprietors to cause the Pipe or Pipes communicating with any Main or Mains, Pipe or Pipes, or other Works belonging to the said Company of Proprietors, and whether such Pipe or Pipes shall be the Property of the said Company or otherwise, to be cut off, or in any other Manner separated from the Main or Mains, Pipe or Pipes, or Works with which the same shall respectively so communicate and be attached, and to cause the Water to be stopped from flowing, issuing, or running through the same, to or into the House, Place, or Works of every Person so making such Default in Payment as aforesaid;

and that the Rent or Rents, Sum or Sums of Money now due, and which shall be or become due and payable and in arrear, from any such Person or Persons to the said Company of Proprietors or their Successors, shall and may be recovered by the said Company by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, in the same Manner as Rents reserved on common Demises may by Law be recovered; and that all and every the same Remedies and Means respectively shall and may also be had and taken by the said Company of Proprietors against any Person or Persons whomsoever, for the Recovery of any Rents or Sum or Sums of Money which are or shall become due and owing to the said Company for Water supplied to any Ship or Vessel as aforesaid, under the Authority of this Act.

Persons dissatisfied with Supply of Water may complain.

XXXIX. Provided always, and be it enacted, That if any Person desiring a Supply for Family Consumption shall not be supplied with Water in manner directed by this Act, or receiving a Supply shall be dissatisfied with the Sufficiency thereof, it shall and may be lawful for every such Person to make Complaint thereof to any Two Justices of the Peace of the said Borough, giving Fourteen Days Notice in Writing of such Intention to complain, and of the Matter thereof, to the said Company; and the said Justices are hereby empowered, by Examination of Witnesses on Oath (which Oath they are hereby authorized to administer), to inquire into the Matter of such Complaint, and, upon due Proof thereof, the said Justices shall and may, by Warrant under their Hands and Seals, order and direct the said Company to furnish a proper and sufficient Supply of Water to the Person so complaining, and order and adjudge the said Company to pay to the Person so complaining any Sum not exceeding Five Pounds; and in case a sufficient Supply of Water shall not be given pursuant to the Order of the said Justices, within Ten Days thereafter, then the said Company shall forfeit and pay to the Person who ought to have been so supplied the Sum of Five Shillings for every Day that such Supply shall not have been given according to the Order of the said Justices; which Penalties shall and may (if not paid on Demand) be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company: Provided also, that no Complaint shall be permitted to be prosecuted by any Person who shall not have previously paid or tendered the Water Rate due by him or her at the Time of making such Complaint; and in all Cases where such Complaint shall be found groundless, the Person making the same shall be liable to pay to the said Company the Costs and Expences of hearing such Complaint.

Requiring the Company to make Fire Plugs in every Street, &c.

XL. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, upon the carrying into and laying down any Main Pipe in any Street, Passage, or Place, for supplying the same with Water, 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 Street, Passage, or Place supplied with Water from such Main or Mains, for the Supply of Water for the extinguishing of Fires; and that painted Directions or Marks on the Houses, Buildings, or Walls in the said Town, as to the Situation of such Fire Plugs, shall be provided at the Expence of the said Company of Proprietors; and the Number and Situations of such Fire Plugs shall be fixed by the Surveyor for the Time being of the Corporation of *Liverpool*, and the

the Engineer of the said Company of Proprietors for the Time being; which Two Persons, if they shall differ, shall name a Third Person, and the Determination of any Two such Persons shall be final therein.

Private Pipes already laid to continue.

XLI. And be it enacted, That all Persons who at the Time of passing this Act shall have Water conveyed to their Houses or other Premises by Pipes already laid, shall and may continue to possess and enjoy the same Privilege, upon making Payment to the said Company of the present Rates and Duties, until the Twenty-fourth Day of *June* One thousand eight hundred and twenty-two, and of such Rates and Duties as may, after that Term, be fixed in manner directed by this Act.

Directing how Pipes shall be laid down.

XLII. Provided always, and be it further enacted, That no Main Water Pipes belonging to the said Company of Proprietors shall be laid down at a less Depth than Two Feet beneath the Pavement in any of the Streets or Places within the said Town and Liberties, except in passing over Bridges and Vaults, and in passing over Bridges the Pipes shall be laid as near the Battlements as may be.

Keys of Mains to be deposited in Cases of Fire.

XLIII. And be it further enacted, That the said Company of Proprietors shall deposit with each Head Officer or Keeper of the several Bridewells in the said Town of *Liverpool*, and with such other Public Officers of the said Town (not exceeding Three in Number) as the Mayor for the Time being of the said Town shall appoint, to be kept in some proper Place or Places, a Key of the Mains, Plugs, or Service Pipes of and belonging to the said Works, to the end that thereby, in Cases of Fire, the Supply of Water from the said Works may be the more easily and readily obtained; and in case the said Company shall neglect or refuse to deposit such Keys as aforesaid, they shall forfeit for every such Neglect or Refusal the Sum of Five Pounds: Provided always, that if the said Person or Persons with whom the said Key or Keys shall or may be deposited for the Purpose aforesaid shall wilfully appropriate to any other Purpose than the extinguishing of Fires the Water of the said Company of Proprietors, or shall permit or suffer any Person or Persons whomsoever to take, use, or appropriate the same Water to or for any other Purpose whatsoever than the extinguishing of Fires in the said Town and Port of *Liverpool*, that then and in each and every Case in which such Water shall be so wilfully appropriated as aforesaid, or shall be permitted or suffered to be taken, used, or appropriated for any other Purpose than the actual extinguishing of Fires in the said Town and Port, the Person or Persons so offending shall forfeit and pay to and for the Use and Benefit of the said Company the Sum of Ten Pounds, to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Persons not to join Pipes to Company's Works, without Consent, and Penalty for so doing.

XLIV. Provided always, and it is hereby further enacted, That no Person or Persons shall after the passing of this Act lay or cause to be laid any Pipe or other Thing whatsoever to or to communicate with any Pipe or other Works whatsoever belonging to the said Company of Proprietors, or through which the said Company's Water shall pass or be supplied, nor bore or make, or cause to be bored or made, any Hole or Aperture in any such Pipe or Pipes, nor dig any Trench, nor lay any Spout, Trench, or Pipe, or make any Drain or Conduit for the conveying

ing away, directly or indirectly, the said Company's Water from any of the said Pipes, Mains, Troughs, Reservoirs, Aqueducts, or Works, nor fraudulently take or use or waste any of the said Company's Water, on pain of forfeiting and paying any Sum not exceeding Ten Pounds for each and every such Offence, to and for the Use of the said Company of Proprietors, together with the Costs and Charges of recovering and levying the same; and also the further Sum of Ten Shillings for each and every Day such Pipe or other Thing shall so remain, or such Water shall be so taken, used, or wasted, to be recoverable and recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Persons not to draw Plugs, or obstruct Works or Workmen; Penalty for so doing.

XLV. And be it further enacted, That if any Person or Persons shall wantonly, wilfully, or maliciously draw any Plug or Ferule out of any Main or Service Pipe or other Pipe, or cut off or otherwise injure any Pipe, Cock, or other Work or Works of and belonging to the said Company of Proprietors, or communicating with their Works, he, she, or they shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and if any Person or Persons whomsoever shall wantonly, wilfully, or maliciously hinder, obstruct, or in any Manner interrupt or impede any Engineers, Collectors, Shipping Agents, Turncocks, Workmen, or any other Person or Persons for the Time being employed by the said Company of Proprietors, or any of them, in doing, performing, conducting, carrying on, and managing the Works and Concern of the said Company, or in the lawful Exercise and Performance of any of the Powers or Authorities by this Act given and granted to the same Company, or shall in anywise cause or procure the same to be done, or aid or abet any Person or Persons in so doing, every Person so offending shall for each and every such Offence forfeit and pay to the said Company of Proprietors, for their Use, any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by any such Hindrance, Interruption, or Impediment; and all such Forfeitures, Penalties, and Damages, together with reasonable Costs and Charges, shall be recoverable and be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Persons not to damage the Works; Penalty for so doing.

XLVI. And be it further enacted, That if any Person or Persons shall wantonly, wilfully, or maliciously, and to the Prejudice of the said Company's Works, break, throw down, damage, injure, or destroy, or cause or procure any other Person or Persons to break, throw down, damage, injure, or destroy, any Engine, Water House, Reservoir, Pipe, Cock, Plug, or other Implements, Utensils, Works, Matters, or Things whatsoever, which are already or which shall be made, provided, or procured by the said Company, for all or any of the Purposes of this Act, or any of the Materials used or provided for the same, or shall in any Manner contaminate or render the said Water in any Degree unwholesome or unfit for Use, every such Person and Persons shall forfeit and pay to the said Company of Proprietors for their Use, for each and every such Offence, any Sum not exceeding Twenty Pounds, and also the full Amount of the Damage, and all such reasonable Costs and Charges as aforesaid, which shall be recoverable and recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

XLVII. And

Prohibition of bathing in Reservoirs, &c.

XLVII. And in order to preserve the Water to be conveyed to and into the said Town and Port of *Liverpool* and the Liberties thereof, and to the Shipping resorting thereto, pure, clean, and wholesome, be it further enacted, That no Person shall bathe in any Part of the said Waterworks, or in any of the said Reservoirs, Tanks, or Ponds, or other Receptacle for Water, or wash any Dogs or other Animals therein, or shall cast, throw, or put any Dog or Cat, or any Filth, Dirt, or other Matter or Thing whatsoever therein, or wash or cleanse any thing whatsoever in any of the said Reservoirs, Tanks, Ponds, or other Receptacle for Water, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into the same, or into any of the said Reservoirs, Tanks, Ponds, Pipes, or other Receptacle for Water, or cause any other Annoyance or Contamination to be had, made, or done to the said Water thereof, upon pain of forfeiting to and for the Use of the said Company of Proprietors, for each and every such Offence, any Sum not exceeding Five Pounds, with such Costs and Charges as aforesaid; such Penalty or Forfeiture, Costs and Charges, to be recoverable in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Company may with Consent enter Premises to see that there is no Waste of Water, &c.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the Manager or Clerk for the Time being of the said Company, at any Time or Times between the Hours of Nine in the Forenoon and Four in the Afternoon (*Sundays* excepted), with the Consent of the Owner or Owners, or Occupier or Occupiers for the Time being, to enter into any Dwelling House, Works, Manufactory, or other Building supplied with Water by the said Company of Proprietors, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company of Proprietors, to ascertain the Situation, Gauge, or Dimensions of any Cistern, Vat, Tank, Cooler, or other Vessel used by any Brewer, Soap Boiler, Distiller, Sugar Refiner, or other Person or Persons whomsoever, filled or to be filled with Water by the said Company; and if any such Manager or Clerk as aforesaid shall at any Time or Times between the Hours aforesaid (*Sundays* excepted) be refused Admittance or Entrance into any such Dwelling House, Works, Manufactory, or other Building, for the Purpose of making such Inspection, Examination, and Admeasurement as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection, Examination, or Admeasurement as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to cut and turn off, or cause to be cut and turned off, the Water supplied by the said Company of Proprietors, from such Dwelling House, Works, Manufactory, or other Building, and to cease to supply the same, upon giving Three Days previous Notice in Writing of the Intention to cut and turn off the Water so supplied; and that in every such Case a Proportion of the Rent then coming due, with which such Person or Persons shall be charged and chargeable, shall, when such Supply shall cease, be paid and recovered as the whole Year or Half Year's Rent, if then due, might be recovered under this Act.

Furnaces to consume Smoke, &c.

XLIX. And be it further enacted, That the Furnace and Furnaces of every Steam Engine heretofore erected by the Subscribers to the said Undertaking, or hereafter to be erected by the said Company of Proprietors, under or by virtue of the Powers of this Act, shall be con-

structed upon the best and most approved Principle of consuming their own Smoke, and so as not to prove a Nuisance to the Neighbourhood.

Company's Tenants not to supply any other Person with Water, or alter Position of Pipes.

L. Provided always, and be it further enacted, That if any Inhabitant of the said Town of *Liverpool*, or the Liberties thereof, or any other Person or Persons whomsoever supplied with Water by virtue of this Act, shall supply any other Inhabitant of the same Town and Liberties, or any other Person or Persons whomsoever (other than and except such Person or Persons as shall be entitled to be supplied with Water by the said Company of Proprietors, whose Pipe or Pipes shall be casually broken, and during the Periods only of the same remaining broken), with any Part of such Water, or shall permit or suffer any other Person or Persons whomsoever, not being Tenant or Tenants of the said Company, to take, use, or waste the Company's Water; or if any such Person shall add to or alter the Size or Position of any Pipe or other Work for conveying the Water, or Receptacle for holding the same, or shall use any such Water supplied under this Act, in any greater Quantity or for any other Purpose or Purposes than that or those authorized by this Act, without Permission in Writing, to be respectively given under the Hand of the Manager or Clerk for the Time being of the said Company of Proprietors, or of some other Person or Persons duly authorized for that Purpose by the said Company of Proprietors to give such Permission, that then in each and every of such Case, and when and as often as it shall so happen, every Person and Persons so offending shall, for each and every such Offence, forfeit and pay to and for the Use of the said Company of Proprietors, or their Successors or Assigns, a Sum not exceeding Five Pounds, exclusive of the Costs and Charges of recovering and levying the same, to be levied and recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered; and it shall also be lawful for the said Company of Proprietors, for every such Offence, if they shall so think fit, also at the Expence of the Person or Persons so offending, to take off the Water which may have been contracted for with the said Company from the House or Place of any Person or Persons so offending, and to cease to supply him, her, or them therewith, in all which Cases the Proportion of Rate or Rates which such Person or Persons may be charged and chargeable with shall, up to the Time such Supply has ceased, be paid and recovered as if the same was then due.

Each Proprietor may nominate One House for each Share to be supplied with Water for domestic Purposes only, and without Charge.

LI. And be it further enacted, That each and every Proprietor in respect of each and every One of the said Four hundred Shares of the said Concern which he, she, or they may from Time to Time hold and be entitled to, may and shall have Liberty, if he, she, or they shall think proper, to nominate in Writing One Dwelling House situate within the said Town of *Liverpool* aforesaid, and its Liberties, which shall (when the said Works are advanced into that Part of the Town in which such Dwelling House is situated, and can in their then State be supplied,) be thereupon afterwards entitled to have and to be supplied with Water from the said Works for domestic Purposes only, without any Payment to be made for the same, but which Dwelling House, when once nominated, shall not afterwards be changed without Notice in Writing to the Directors of the said Company for the Time being; and every such Person so nominating any such House, shall find a Pipe not exceeding Three Quarters of an Inch in Diameter, and such other Apparatus as may be thought necessary to be adopted by the

the said Directors, and that such Pipe shall be laid down and Apparatus fixed, and the Pavement made good by or by the Order of the said Company, at the Expence of the Person requiring the Water so to be laid on; and such Person shall not suffer any other Use whatsoever to be made of any Part of such Water, on pain of forfeiting the Sum of Five Pounds for each and every such Offence, to and for the Use of the said Company, such Penalty to be recovered as any other Penalty may be recovered under or by virtue of this Act: Provided always, that the said Company of Proprietors shall have Power, in case they shall deem it advisable, to pay such annual Sum of Money to the Proprietors in respect of their Shares in the said Undertaking, in lieu and Satisfaction of such Nomination and Privilege Water as may appear reasonable, by and out of the gross Receipts of the said Company, and that such Payment shall be deemed and charged as Part of the annual Expences or Disbursements of the said Works, and shall be made at such Time or Times in the Year, and in such Proportion as the said Company may think proper, before any Interest or Dividend shall be paid or made under this Act.

Appropriation of the Gains and Profits of the Concern.

LII. And be it further enacted, That when and so soon as the said Undertaking shall have become productive beyond the Expenditure and Disbursements necessary for effecting all the Purposes of this Act, then and in such Case Interest at and after the Rate of Five Pounds *per Centum per Annum* on the said Sum of Ninety-five thousand three hundred and twenty-four Pounds so advanced and expended on the said Works as aforesaid, and Interest at the like Rate on such further Sum and Sums of Money as may have been and which shall be advanced and paid in extending and perfecting the said Undertaking, for supplying the said Town of *Liverpool* and Liberties, and the Shipping resorting to the said Port, with Water (and which Advances and Payments the said Company of Proprietors are hereby empowered to make by and out of the gross Receipts of the said Company, and of all which Advances and Payments a regular and distinct Account shall be kept in the Books of the said Company), shall be annually or half-yearly paid to the Proprietor or Proprietors of each and every of such Shares, in respect of every such Share or Shares which such Proprietor or Proprietors may hold and be entitled to out of the Rents or Sums of Money to be from Time to Time received for the supplying of Water to the Inhabitants of the said Town of *Liverpool* and the Liberties thereof, and the Shipping resorting to the said Port; and that whenever there shall appear to be a Gain or Profit to the said Company of Proprietors beyond such before-mentioned Interest of Five Pounds *per Centum*, there shall be payable and paid, out of such Surplus, such Gain or Profit to the Mayor, Bailiffs, and Burgesses of *Liverpool* aforesaid, and their Successors, in consideration of their consenting, as Lords of the Manor of *Liverpool* aforesaid, and giving Liberty to the said Company of Proprietors, to dig for and collect Springs and Water, and to break up certain Highways and Streets, to lay down Main and other Pipes, and construct Works within the said Manor, yearly and every Year in which such Surplus, Gain, or Profit shall arise, the Sum of Five Pounds *per Centum*, on and out of such Surplus, Gain, and Profit; and that after and subject to the Payments of such Interest and Per-centage, the then Remainder or Surplus of the clear Gains and Profits of the said Company for the said Year (after reserving such reasonable Sum as the Directors may from Time to Time think necessary for conducting and carrying on the said Works;) shall be equally divided among the said

said Company of Proprietors, in proportion to the Share and Interest which each of them shall have and be entitled to in the said Undertaking, in such Proportion and at such Time or Times as the Directors shall from Time to Time think proper and direct.

Duke of *Bridgewater's* Premises not to be entered without Consent.

LIII. Provided always, and be it further enacted, That nothing contained in this Act shall extend, or be construed to extend, to enable the said Company of Proprietors, or any other Person or Persons acting under them, to enter into or upon any of the Lands or Grounds, or to erect any upright Pipes against any Buildings, belonging to or in the Possession of the Trustees named in the last Will and Testament of the Most Noble *Francis* late Duke of *Bridgewater*, or their Successors, for the Purposes aforesaid, without the Consent in Writing of such Trustees for the Time being first had and obtained.

Company not to enter Lands not already used as Public Highways.

LIV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company, or any of their Servants or Agents, or others by their Authority, for all or any of the Purposes of this Act, to enter into or upon any Lands, Tenements, or Hereditaments not already used as a Public Highway, without the Consent in Writing of the Owner of the Soil of such Lands, Tenements, or Hereditaments, for that Purpose first had and obtained.

Company not to enter into any Lands in Liverpool of the Earl of Derby or John Leigh Esquire.

LV. Provided also, and be it enacted, That neither this Act nor any thing herein contained shall extend, or be construed to extend, so as to empower the said Company, their Servants or Agents, or others by their Authority, to enter upon any Lands or Grounds being the Estate of the Right Honourable the Earl of *Derby*, or the Estate of *John Leigh* Esquire, in the said Township of *Liverpool*; but that the same Lands and Estates respectively shall be completely and entirely exempted therefrom, any thing herein contained to the contrary thereof in anywise notwithstanding.

Preserving the Rights of the Exchange Company of Liverpool.

LVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to authorize or enable the said Company of Proprietors, nor shall it be lawful for them, or any of their Servants or Workmen (except for the Purpose of repairing or replacing the said Company's Pipes already laid therein), at any Time or Times hereafter, to enter upon or break up the Soil or Pavement of any Street, Lane, Place, Way, or Passage belonging to and paved or repaired by or under the Direction of the Company of Proprietors incorporated by an Act made in the Forty-second Year of His late Majesty, intituled *An Act for enabling certain Persons in the Town and Port of* Liverpool *in the County Palatine of* Lancaster, *to erect an Exchange there for the Accommodation of themselves, and the Merchants and others concerned in Trade in the said Town and Port, and for incorporating the Proprietors thereof*, without the Consent in Writing from Time to Time first had and obtained of the said Company of Proprietors of the *Liverpool* Exchange, or their Successors, to be signified under the Hand of the Secretary of the Committee for the Time being of the said Company of Proprietors of the *Liverpool* Exchange, or their Successors.

42 G. 3. c. 71.

How Notices shall be served on the Company.

LVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties

Parties to serve any Notice or Notices upon the said Company, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any One of the Directors of the said Company, or left at his last or usual Place of Abode, or upon the Manager or Clerk of the said Company, or left at the last or usual Place of Abode of such Manager or Clerk, or left at the Head Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Penalties, how to be recovered and applied.

LVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and recovering whereof is not herein otherwise directed, shall, upon Proof of the Offences respectively before any One Justice of the Peace for the said Borough of *Liverpool*, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by this Act) paid One Half to the Informer, and the other Half to the said Company, or to their Clerk, Treasurer or Treasurers, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking up any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if, upon Return of such Warrant, it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LIX. And, for the more easy and speedy Conviction of Offenders against this Act, 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 following Form; *videlicet*,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord convicted before of His Majesty's Justices of the Peace of the Borough of *Liverpool*, [*specifying the Offence or Omission, and the Time and Place when and where committed*]. Given under Hand and Seal, the Day and Year first above written.'

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

LX. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Collectors, Surveyors, and other Officers acting under this Act, be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, and other Officers respectively, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace of the said Borough, without any other Warrant or Authority than this Act for so doing.

Appeal may be made to Quarter Sessions.

LXI. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Fourteen Days after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden at *Kirkdale* for the said County, unless such Complaint shall arise within Twenty-eight Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise, the Person or Persons appealing having first given at least Fourteen clear Days Notice of his Intention to bring such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Manager or Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of the said Borough, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held as aforesaid, 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 such Rule, Order, or Determination, and shall 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.

Distress not to be unlawful on account of any Irregularity.

LXII. 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 Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

No Plaintiff to recover in

LXIII. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass,

or other Proceedings, if Tender of reasonable Amends shall be made by or on behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Order and Judgment, shall be had, made, or given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

any Action for Irregularity, if Tender of Amends shall be made, &c.

LXIV. And it is hereby also enacted, That no Order which shall be made by any Justice or Justices by virtue of or under this Act, or any other Proceeding to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

No Order of Justices to be quashed for Want of Form, or Cause removed.

LXV. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Premises, every such Action or Suit shall be brought or commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants are entitled to for Costs of Suit in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

LXVI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to hinder the Common Council of the said Town of *Liverpool* from using and exercising all and every the Powers and Authorities given to them by the said recited Act for altering the Levels of all or any of the Streets and Public Highways and Passages in the said Town, and also altering the Course and Disposition of all and every the present Common Sewers within the said Town, and of making new or other Common Sewers in and through such of the Streets and Public Highways and Passages of the said Town as they shall judge proper and expedient, with the like Power of altering their Course and Direction; nor from having, using, and exercising all and every other the Rights, Powers, and Authorities in the same Act in such Common Council vested (save and except such of the Powers and Authorities in the same

Reservation of Rights to the Corporation, &c.

same Act as are repealed by this Act), as fully, to all Intents and Purposes, as if the present Act had not passed; nor shall hinder or prevent the Mayor, Bailiffs, and Burgesses, or the said Common Council, from having, using, and exercising all and every the Rights, Powers, and Authorities in them already vested by any other Act or Acts of Parliament whatsoever, as fully, to all Intents and Purposes, as if the present Act had not been passed (save and except as far as any such Powers are expressly repealed by this Act); and that nothing in this Act contained shall extend or be construed to extend to prejudice the Trustees of the *Liverpool* Docks and their Successors, or the Company of Proprietors of the *Mersey* and *Irwell* Navigation and their Successors, or the Company of Proprietors of the Canal Navigation from *Leeds* to *Liverpool* and their Successors, or the Company of Proprietors of the *Liverpool* Waterworks, established by an Act made in the Thirty-ninth Year of the Reign of His late Majesty King
39 G.3. c.36. *George* the Third, intituled *An Act for better supplying the Town and Port of* Liverpool *with Water from certain Springs in the Township of* Bootle *in the County Palatine of* Lancaster; also by an Act made and passed in the
50G.3.c.165. Fiftieth Year of His said late Majesty, intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the Thirty-ninth Year of His present Majesty, for better supplying the Town and Port of* Liverpool *with Water from certain Springs in the Township of* Bootle *in the County Palatine of* Lancaster; and also by an Act made and passed in the Fifty-third Year of
53G.3.c.122. His late Majesty, intituled *An Act for enlarging the Powers of Two Acts of His present Majesty, for better supplying the Town and Port of* Liverpool *with Water;* or the Company of Proprietors of the *Liverpool* Exchange Buildings, established by an Act made in the Forty-second Year of the
42G.3.c.71. Reign of His said late Majesty, intituled *An Act for enabling certain Persons in the Town and Port of* Liverpool, *and County Palatine of* Lancaster, *to erect an Exchange there, for the Accommodation of themselves, and the Merchants and others concerned in Trade in the said Town and Port, and for incorporating the Proprietors thereof;* or the Company of Proprietors of the *Liverpool* Gas Works, established by an Act made in the Fifty-eighth Year of the Reign of His late Majesty King *George* the
58 G.3. c. 66. Third, intituled *An Act for lighting with Gas the Port and Town of* Liverpool, *and Township of* Toxteth Park, *in the County of* Lancaster; or the Heirs and Assigns of the late Duke of *Bridgewater*, or the said Earl of *Derby*, his Heirs and Assigns, or the Earl of *Sefton*, his Heirs and Assigns, or the said *John Leigh*, his Heirs and Assigns, or any other Bodies Politic or Corporate, or other Person and Persons; but saving and reserving to them, each and every of them, all their several respective Rights, Privileges, and Franchises, in such and the same Manner as if this Act had not been passed.

Public Act. LXVII. 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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