ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cciii.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster* to construct Waterworks for supplying the said Borough and several Places on the Line of the said intended Works with Water, and for other Purposes. [9th *July* 1847.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for more effectually supplying with Water the Inhabitants of the Towns of* Manchester *and* Salford *in the Parish of* Manchester *in the County Palatine of* Lancaster, and certain Persons were thereby incorporated by the Name of "The Company of Proprietors of the *Manchester and Salford* Waterworks:" And whereas another Act was passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the Powers of an Act of His present Majesty for supplying with Water the Towns of* Manchester *and* Salford *in the County Palatine of* Lancaster: And whereas another Act was passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for alter-*

49 G. 3. c. 192.

53 G. 3. c. 20.

56 G. 3. c. 12.

ing, amending, and extending the Powers of Two Acts of His present Majesty's Reign for supplying with Water the Inhabitants of the Towns of Manchester *and* Salford *in the Parish of* Manchester *in the County Palatine of* Lancaster: And whereas another Act was passed in the First and Second Years of the Reign of His Majesty King
1 & 2 G. 4. c. 47. *George* the Fourth, intituled *An Act to alter and amend several Acts passed for more effectually supplying with Water the Inhabitants of the Towns of* Manchester *and* Salford *in the Parish of* Manchester *in the County Palatine of* Lancaster, *and for further extending the Powers and Provisions of the said Acts:* And whereas another Act was passed in the Fourth Year of the Reign of His Majesty King
4 G. 4. c. 115. *George* the Fourth, intituled *An Act to alter, amend, and enlarge the Powers of the several Acts passed for more effectually supplying with Water the Inhabitants of the Towns of* Manchester *and* Salford *in the Parish of* Manchester *in the County Palatine of* Lancaster: And whereas another Act was passed in the Fourth and Fifth Years of
4 & 5 Vict. c. 8. the Reign of Her present Majesty, intituled *An Act to enable the Company of Proprietors of the* Manchester and Salford *Waterworks to raise a further Sum of Money, and to amend the Acts relating thereto:* And whereas another Act was passed in the Ninth Year of
9 & 10 Vict. c. 10. the Reign of Her present Majesty, intituled *An Act to enable the Company of Proprietors of the* Manchester and Salford *Waterworks to raise a further Sum of Money:* And whereas the said Company of Proprietors, under the Authority of the said recited Acts, have purchased Lands and erected Buildings, and constructed Reservoirs and other Works, and have laid down Mains and Pipes for the Supply of Water within the District comprised in their said Acts: And whereas Her present Majesty, by the Advice of Her Privy Council, by certain Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date the Twenty-eighth Day of *October* One thousand eight hundred and thirty-eight, granted that the Inhabitants of the Borough of *Manchester* resident within the District comprised within the Boundaries of the Townships of *Manchester*, *Chorlton-upon-Medlock*, *Hulme*, *Ardwick*, *Cheetham*, and *Beswick*, in the County Palatine of *Lancaster*, and their Successors, should be for ever thereafter a Body Politic and Corporate in Deed, Fact, and Name; and that the said Body Corporate should be called "The Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster*," and should have perpetual Succession and a Common Seal, and should be governed by a Council to be elected in the Manner therein mentioned: And whereas it would be of great public Advantage if the Power to provide a constant and effectual Supply of Water for domestic and other Purposes to the Inhabitants of the Borough, and for watering the Streets and extinguishing Fires, and for the cleansing of the Sewers, Drains, Streets, Courts, and Houses within the Borough, and to levy Rates for such Purpose, were vested in the Mayor, Aldermen, and Burgesses of the Borough: And whereas, for the Purpose of enabling the Mayor, Aldermen, and Burgesses to provide such Supply of Water, it is expedient that they should be authorized to purchase and take the Lands, Works, and Property of the Company of Proprietors of the *Manchester and Salford* Waterworks: And whereas it is necessary for the Preservation of the public Health that an additional Supply of

of Water, over and above what can be obtained from the existing Works of the said Company of Proprietors, should be afforded to the Inhabitants of the Borough: And whereas it is apprehended that such additional Supply might be advantageously obtained from certain Lands, Springs, Brooks, and Streams in the Parish of *Mottram-en-Longdendale* in the County of *Chester*, and the Parish of *Glossop* in the County of *Derby*, and other Springs, Brooks, and Streams rising or flowing in the Line or Course of the intended Works: And whereas the additional Supply of Water which may be obtained from the Lands, Springs, Brooks, and Streams in *Mottram* and *Glossop* aforesaid will be sufficient not only for the Supply of the Borough, but also of the Townships or Places of *Crumpsall*, *Haughton*, and *Reddish*, in the Parish of *Manchester*, *Worsley*, *Barton-upon-Irwell*, *Eccles*, in the Parish of *Eccles*, *Prestwich* in the Parish of *Prestwich-cum-Oldham*, all in the County of *Lancaster*, and *Hyde* in the Parish of *Stockport*, and *Mottram*, *Godley*, and *Newton*, in the Parish of *Mottram-en-Longdendale*, all in the County of *Chester*, being Places in the Line of or near to the proposed Works for procuring such additional Supply of Water: And whereas the Mayor, Aldermen, and Burgesses are willing to procure Water from the Sources aforesaid, and to construct Reservoirs and other Works for storing up and conducting the same into the Reservoirs and Works to be constructed in or near to the said Borough, and to supply the Inhabitants thereof with Water, and also the Inhabitants of the said several Townships and Places in the Line of or near to the said proposed Works: And whereas the beneficial Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," shall be incorporated with and form Part of this Act; and the Provisions of the said Act shall be applicable to the Purposes of this Act, except so far as the same Provisions or any of them are inconsistent with the Provisions of this Act, or are herein-after declared not to extend thereto.

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. extended to this Act.

II. And be it enacted, That the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* shall, by the Council of the Borough, be and they are hereby empowered to carry this Act and the several Powers thereof into execution.

Council of Borough of Manchester to execute Act.

III. And be it enacted, That for the more conveniently carrying this Act and the several Powers thereof into execution it shall be lawful for the Council, and they are hereby empowered, to appoint out of their Body, from Time to Time, One or more Committee or Committees, consisting of such Number of Persons as they may think fit, to manage and transact all or any of the Measures or Purposes which they the Council are hereby directed or authorized (expressly or by Inference) to do, execute, or perform, which Committee or Committees shall have such and so many of the Powers and Authorities and Discretion by this Act given to and reposed in the Council as the Council

Council may appoint Committees to carry the Act into execution.

Council shall think proper to delegate to such Committee or Committees.

Council to appoint a Surveyor.

IV. And be it enacted, That it shall be lawful for the Council to appoint such Person as they may think proper to be their Surveyor for the Purposes of this Act, and from Time to Time, as Vacancies shall happen in the Office of Surveyor, to appoint some other fit Person to fill the same, and every Surveyor so appointed shall execute such Duties as the Council shall direct, and shall hold his Office during the Pleasure of the Council, and may, if the Council shall so think fit, but not otherwise, have an Assistant under him, (such Assistant being in all Cases appointed by and holding his Situation during the Pleasure of the Council,) and the Council shall have Power to do all Things relating in anywise to the Appointment and Direction of such Surveyor and Assistant Surveyor.

Declaration of Surveyor.

V. And be it enacted, That every such Surveyor and Assistant Surveyor upon his Appointment shall make and subscribe before a Justice a Declaration to the Effect following; (that is to say,)

'I the Surveyor [*or* Assistant Surveyor] appointed in pursuance of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], do declare that I will diligently, faithfully, and impartially perform the Duties of my Office, and to the utmost of my Power, Skill, and Ability cause the several Provisions of the said Act to be strictly observed, and without Favour or Affection, Prejudice or Malice to any Person whomsoever.'

Council may provide a convenient Office for Surveyor.

VI. And be it enacted, That it shall be lawful for the Council, if they shall think proper so to do, to provide an Office for the Surveyor in some convenient Place within the Limits of this Act.

Salary of Surveyor.

VII. And be it enacted, That the Surveyor and Assistant Surveyor shall be paid by the Council such annual Sum by way of Salary as the Council shall from Time to Time think proper.

Council to take Security from all Officers intrusted with Money.

VIII. And be it enacted, That the Council shall take from all Officers who may be appointed or employed under the Authority of this Act, and be intrusted with the Receipt, Custody, or Disbursement of Money, sufficient Security for the faithful Execution by them of their respective Offices.

Officers to account.

IX. And be it enacted, That every Officer appointed, employed, or paid by the Council under this Act shall from Time to Time, when required by the Council so to do, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Council under this Act; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments, and every such Officer shall pay to the Treasurer of the Borough, or to any Person appointed

by him to receive the same, all Monies which shall be owing from such Officer upon the Balance of such Account.

Remedy against Officers failing to account.

X. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce or deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Council, or to any Person appointed by them to receive the same, all Papers and Writings, Property and Effects, Matters and Things in his Possession or Power relating to the Execution of this Act, or belonging to the Council, then on Complaint thereof being made to any Justice of the Borough, or to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Accounts, that any Monies of the Mayor, Aldermen, and Burgesses under this Act are in the Hands of such Officer, or owing by him to the Mayor, Aldermen, and Burgesses, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount, it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases, (that is to say),

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writing, Property, Effects, Matters, or Things, relating to the Execution of this Act in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts (if any) relating thereto in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things (if any) in his Possession or Power.

Proceedings not to deprive Council of Remedy against Sureties.

XI. And be it enacted, That no such Proceeding or Dealing with any such Officer as aforesaid shall deprive the Council of any Remedy which they might otherwise have against any Surety of any such Officer.

Council may enter into Contracts in the Name

XII. And be it enacted, That it shall be lawful for the Council from Time to Time to contract and agree with any Person for performing

of the Corporation.

forming any of the Works by this Act authorized to be made or executed, and all Contracts so to be entered into shall be reduced into Writing, and may be sealed with the Common Seal of the Mayor, Aldermen, and Burgesses, or such Contracts or any of them may be signed by the Mayor or Town Clerk, and the same shall be signed by the Person or Parties contracting to perform such Works, and shall specify the several Works to be done and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof, and a Copy thereof shall be entered into a Book to be kept by the Town Clerk for that Purpose; and it shall be lawful for the Council to take such Bond or other Security from every Contractor for the due Performance of his Contract as they shall think sufficient; and the Council shall cause the Works to be done in pursuance of such Contract to be inspected by such Person as they shall from Time to Time appoint, and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by any such Contract limited for completing the same, the Council shall and may have and pursue all the Remedies provided by the said Contract, and shall and may cause any Action at Law or Suit in Equity to be brought in the Name of the Mayor, Aldermen, and Burgesses against any Party so contracting and neglecting to perform such Contract, or for any Injury suffered or sustained on account of the Nonperformance thereof, and upon proving the signing of the Contract and Nonperformance thereof, the Mayor, Aldermen, and Burgesses shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Council may compound for Breach of Contracts.

XIII. Provided always, and be it enacted, That it shall be lawful for the Council to compound and agree with any Person or Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any Action or Suit shall be brought for any Penalty contained in such Contract or in any Bond or other Security for the Performance thereof, or for or on acccount of any Breach or Nonperformance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the Council shall think proper.

As to Service of Notice on Council.

XIV. And be it enacted, That any Summons, Notice, or Writ, or other Proceedings at Law or in Equity, requiring to be served upon the Mayor, Aldermen, and Burgesses, or upon the Council, may be lawfully served by delivering the same personally to the Town Clerk, or by leaving the same at the Office of the Town Clerk.

As to Service of Notice on other Persons.

XV. And be it enacted, That any Notice which by this Act may be required to be given to any Person may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant or any Inmate at his Place of Residence or Business, or by affixing or leaving the same on or at his usual or last known Place of Residence or Business.

XVI. And

Authentication of Notices.

XVI. And be it enacted, That any Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and if the same require Authentication by the Mayor, Aldermen, and Burgesses, or by the Council, the Signature thereof by the Town Clerk shall be a sufficient Authentication.

Release to Witnesses.

XVII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for the Town Clerk, by the Order of the Council, to execute general or other Releases for the Purpose of qualifying any Person in the Service of the Mayor, Aldermen, and Burgesses, or of the Council, to give Evidence as a Witness, and every such Release shall be under the Hand and Seal of the Town Clerk.

Power to purchase and take Manchester and Salford Waterworks.

XVIII. And be it enacted, That it shall be lawful for the Company of Proprietors of the *Manchester and Salford* Waterworks, and they are hereby authorized and empowered, if they shall think proper so to do, to sell to the Mayor, Aldermen, and Burgesses, and the Mayor, Aldermen, and Burgesses are hereby authorized and empowered, if and when they shall think proper so to do, to purchase from the said Company of Proprietors all the Estate and Interest of the said Company of Proprietors of and in the whole of the Lands, Reservoirs, Buildings, Mains, Pipes, and other Works, and Stock in Trade and Property of whatever Kind, which may belong to or be vested in the said Company of Proprietors at the Time which may be agreed upon for the Completion of such Sale and Purchase, for such Price or Sum of Money and upon such Terms as shall be mutually agreed upon between the Mayor, Aldermen, and Burgesses and the said Company of Proprietors.

Receipt of Three of the Directors a good Discharge for the Purchase Money.

XIX. And be it enacted, That, subject to the Terms of any such Agreement, with reference to the Mode of Satisfaction of the Consideration for such Purchase, or any Part thereof, the Receipt in Writing of Three of the Directors for the Time being of the said Company of Proprietors for the Purchase Money agreed to be paid for the Purchase of their Lands, Works, and Property, and for any other Money which may be paid to such Company of Proprietors by the Mayor, Aldermen, and Burgesses, shall be an effectual Discharge to the Mayor, Aldermen, and Burgesses for the Sum which in any such Receipt shall be expressed or acknowledged to be received ; and, subject as aforesaid, the Mayor, Aldermen, and Burgesses shall not be obliged or concerned to see to the Distribution of such Purchase Money or any Money which may be paid by them to the Directors of the said Company of Proprietors among the Proprietors or Shareholders of the Company, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or any Part thereof.

If Directors refuse to receive Purchase Money the same may be paid

XX. And be it enacted, That in case the Directors of the said Company of Proprietors shall, contrary to the Terms of any such Agreement as aforesaid between the same Company and the said Mayor, Aldermen, and Burgesses, refuse or decline to receive or to sign

into the Bank to the Credit of the Accountant General.

sign and deliver a Receipt for the Purchase Money which shall have been agreed to be taken or have been awarded to be paid for the Purchase of their Land, Works, and Property, and which shall be so payable to such Directors, it shall be lawful for the Mayor, Aldermen, and Burgesses, and they are hereby authorized and required, to pay such Purchase Money for the Lands, Works, and Property of the said Company into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there, *ex parte* "The Directors of the Company of Proprietors of the *Manchester and Salford* Waterworks," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His Majesty King *George* the First, Cap. 32, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, Cap. 24.

Certificate of Accountant General and Receipt of One of the Cashiers of the Bank a sufficient Discharge.

XXI. And be it enacted, That upon such Payment by the Mayor, Aldermen, and Burgesses of the Purchase Money so agreed to be paid by them for the Purchase of the Lands, Works, and Property of the said Company of Proprietors to the Account or Credit of the Directors of the said Company, a Certificate of the Accountant General of the said Court of Chancery, together with a Receipt of One of the Cashiers of the Bank of *England* for the same Sum, to be filed with such Certificate in the Office of the Registrar of the said Court, of the Payment by the Mayor, Aldermen, and Burgesses into the Bank of *England* of such Purchase Money, shall, subject to the Terms of any such Agreement as aforesaid, be a good and sufficient Discharge to the Mayor, Aldermen, and Burgesses for the same, and that the Mayor, Aldermen, and Burgesses shall not afterwards be liable to see to the Application of the said Purchase Money or any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Nonapplication of the same or any Part thereof.

On Payment of Purchase Money and Execution of Conveyance the Property of the Waterworks Company to vest in the Mayor, &c.

XXII. And be it enacted, That immediately on the Payment, pursuant to the Terms of any such Agreement, of such Purchase Money as aforesaid to Three of the Directors of the said Company, or in such other Manner as shall have been so agreed, and on the Execution by the said Company of a Conveyance under their Common Seal (duly stamped) of all their Lands, Reservoirs, Houses, and other Buildings, Mains, Pipes, and other Works, Stock in Trade, and other Property, to the Mayor, Aldermen, and Burgesses, or immediately on the Payment thereof, pursuant to the aforesaid Provisions in that Behalf, into the Bank of *England*, *ex parte* "The Directors of the Company of Proprietors of the *Manchester and Salford* Waterworks," and upon the Execution by the Mayor, Aldermen, and Burgesses of a Deed Poll under their Common Seal, containing a Description of the Lands, Reservoirs, Houses, and other Buildings, Mains, Pipes, and other Works, and Stock in Trade and other Property, in respect whereof such Payment into the Bank shall have been made, (which Deed Poll shall be duly stamped with the Stamp Duty which would be payable upon a Conveyance of the Houses and other Buildings, Mains, Pipes, and other Works, and Stock in Trade and other Property, described therein,) all the Lands, Reservoirs, Houses, and

other Buildings, Mains, Pipes, and other Works, and Stock in Trade and other Property, comprised in such Conveyance, or (as the Case may be) described in such Deed Poll, shall by virtue of this Act become absolutely vested in the Mayor, Aldermen, and Burgesses for all such or the like Estate or Interest as the said Company were seised or possessed of or entitled to therein at the Date of such Conveyance or Deed Poll.

The Consideration for the Waterworks may be an annual Sum of Money.

XXIII. And be it enacted, That if the said Company of Proprietors and the Council shall so agree, the Consideration for the Purchase of the Lands, Reservoirs, Houses, and other Buildings, Mains, Pipes, and other Works and Property of the said Company, may be either solely or in part an annual Sum or annual Sums of Money payable by the Mayor, Aldermen, and Burgesses, either in Perpetuity or for a Term of Years, and either with or without a Power enabling the Mayor, Aldermen, and Burgesses to purchase the same at a Price to be fixed in any such Agreement, or, if so provided therein, to be determined by Arbitration in the Manner directed by the Provisions of the Lands Clauses Consolidation Act, 1845, or, at the Option of the said Parties, in such Manner as shall be determined between them; and if the Consideration for the said Lands, Works, and Property shall be an annual Sum or Sums of Money, such annual Sum or Sums shall be secured by the Bond of the Mayor, Aldermen, and Burgesses in a sufficient Penalty, and shall constitute a Charge on the Borough Fund of the said Borough of *Manchester*, in priority to any Charge on the same Fund to be created under any Act or Acts of Parliament which may be passed subsequently to the passing of this present Act, and the same shall be from Time to Time paid by the Treasurer of the Borough as the same shall become payable; and if at any Time such annual Sum or Sums be not paid within Thirty Days after the same shall become payable, then in addition to any other Remedy consequent upon such Charge the same shall be recoverable from the Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or by Distress of the Goods and Chattels of the Mayor, Aldermen, and Burgesses, which Distress may be managed, sold, and disposed of in like Manner, and with the like Powers in relation thereto, as Distresses for Rent reserved on common Demises are or for the Time being may by Law be managed, sold, and disposed of; and upon the Delivery of such Bond to the said Company, if such annual Sum or Sums shall be the exclusive Consideration for such Purchase, or otherwise upon such Delivery, and upon the Payment or Satisfaction pursuant to the Terms of such Agreement of any other Consideration for such Purchase, the said Lands, Works, and Property shall be conveyed to the Mayor, Aldermen, and Burgesses in the same Manner as if the Consideration for the Purchase of the said Lands, Works, and Property had been exclusively a Sum in gross, and the said Company shall not after such Conveyance have any Claim upon the said Lands, Works, and Property in respect of the said annual Sum or Sums.

When Waterworks are vested in Mayor, &c.

XXIV. And be it enacted, That immediately upon the Lands, Works, and Property of the said Company being purchased by and becoming vested in the Mayor, Aldermen, and Burgesses under the Provisions

Powers of Company under their Acts to be transferred to Corporation.

Provisions herein-before contained, all the Powers, Authorities, Rights, and Privileges contained in the said recited Acts relating to the said Company, or in any other Acts conferring on or giving to the said Company any Powers, Authorities, Rights, or Privileges, save only so far as the same or any of them are inconsistent with the Provisions and Purposes of this Act, or are by this Act expressly repealed or altered, or may be agreed to be excluded from such Transfer, shall be extended to and vested in the Mayor, Aldermen, and Burgesses, and be exercised and put in force by the Mayor, Aldermen, and Burgesses, or the Council, in the same Manner as if they had throughout the said Acts respectively been named instead of the said Company of Proprietors.

Mayor, &c. not to take Water Rents within the Borough for Water supplied from the Works of the Company which may be purchased by them.

XXV. Provided always, and be it enacted, That it shall not be lawful for the Mayor, Aldermen, and Burgesses, under the Powers and Authorities which may be transferred to or vested in them under the Provisions contained in this Act, or under or by virtue of any existing Powers or Authorities vested in them, to demand or receive any Water Rents or other Payments (except as herein-after specially authorized,) for the Water supplied to any Inhabitant within the Borough, but all Water for domestic Purposes to be supplied by the Mayor, Aldermen, and Burgesses to any Person within the Borough for domestic Purposes (except as herein-after mentioned) shall be and be deemed to be fully paid for by the Rates which the Mayor, Aldermen, and Burgesses by this Act are authorized to raise and levy within the Borough, under the Name of the "Domestic Water Rate."

Mayor, &c. may continue to supply Water from purchased Works, and to receive Water Rents in certain Cases.

XXVI. Provided always, and be it enacted, That when the existing Waterworks, Pipes, Reservoirs, and other Works belonging to the said Company of Proprietors shall become vested in the Mayor, Aldermen, and Burgesses under the Provisions herein-before contained, it shall be lawful for the Mayor, Aldermen, and Burgesses to continue to supply Water for domestic and other Purposes to any Persons without the Borough, who have been accustomed to receive the same, or who might have been supplied therewith if this Act had not passed; and it shall be lawful for the Mayor, Aldermen, and Burgesses to receive Rents or other Sums payable for such Water, in the same Manner as the said Company might have done if this Act had not passed, and such Water had been supplied by them.

In case of Purchase of Manchester and Salford Waterworks, higher Rates not to be taken than authorized by this Act.

XXVII. Provided always, and be it enacted, That in case the Purchase of the *Manchester and Salford* Waterworks shall be completed, it shall not be lawful for the Mayor, Aldermen, and Burgesses to take or demand for Water supplied to any Person without the Borough any Water Rents or other Payments exceeding the Amount authorized by this Act, any thing in the said recited Acts or any of them contained to the contrary notwithstanding.

Conveyances, &c. made in favour of or by the Company of Pro-

XXVIII. And be it enacted, That immediately upon the Lands, Works, and Property of the said Company being purchased by and becoming vested in the Mayor, Aldermen, and Burgesses under the Provisions herein contained, all Contracts, Engagements, Agreements, Conveyances, Leases, Covenants, Indemnities, and Liabilities made

or

or entered with, to, or in favour of, or by or for or on behalf of the said Company previously to the Completion of such Purchase, such Purchase shall (subject to the Provisions of this Act,) be and remain as good, valid, and effectual in favour of and against and in reference to the Mayor, Aldermen, and Burgesses, and may be proceeded on and enforced in the same Manner by or against the Mayor, Aldermen, and Burgesses to all Intents and Purposes as if the Mayor, Aldermen and Burgesses had been Parties to and executed or entered into the same, or had been named or referred to therein, instead of the said Company of Proprietors.

prietors of Waterworks to operate in favour of and against the Mayor, &c.

XXIX. And be it enacted, That every Agreement or Arrangement made and entered into before the passing of this Act on behalf of the Mayor, Aldermen, and Burgesses and the said Company of Proprietors respectively, and which shall have been confirmed or approved by or pursuant to the Resolutions of a Meeting of the Town Council of the Borough, and of a Special General Meeting of the Proprietors of the said Company, shall, if and so far as the same shall or may be consistent with the several Powers hereby given or vested in the said Company of Proprietors, and the Mayor, Aldermen, and Burgesses, in relation to the said Sale and Purchase, and the other Arrangements between them, which are hereby authorized, be as valid and effectual and shall be carried into effect in the same Manner as if the same Agreement or Arrangement had been duly made and entered into by and between the said Company of Proprietors and the Mayor, Aldermen, and Burgesses subsequently to the passing of this Act.

All Agreements made before the passing of the Act to be carried into effect if consistent with the Provisions of the Act.

XXX. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said Company of Proprietors previously to such Purchase from them of their Lands, Works, and Property being made by the Mayor, Aldermen, and Burgesses as aforesaid shall abate or be discontinued or prejudicially affected by the Circumstance of such Purchase having been made, but the same shall continue and take effect either in favour of or against the Mayor, Aldermen, and Burgesses in the same Manner in all respects as the same would have continued and taken effect in relation to the said Company if such Purchase had not been made, and also that all Penalties by reason of any Offence against the Provisions of the Acts relating to the said Company, previously to such Purchase as aforesaid, shall and may be sued for, and all Offences which may have been committed before such Purchase against the Provisions of such Acts, or of any of them, may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if such Purchase had not been made, the Mayor, Aldermen, and Burgesses being, in reference to the Matters in this Enactment mentioned, in all respects substituted for and in the place of the said Company of Proprietors.

Actions, &c. not to abate.

XXXI. And be it enacted, That immediately upon the Lands, Works, and Property of the said Company being purchased by and becoming vested in the Mayor, Aldermen, and Burgesses under the Provisions herein-before contained the Mayor, Aldermen, and Burgesses

On Completion of Purchase Mayor, &c. to be subject to Provisions

of recited Acts relating to Company.

gesses shall become and be subject and liable to all the Prohibitions, Regulations, Restrictions, Penalties, Forfeitures, Clauses, Remedies, Matters, and Things whatsoever contained in the said recited Acts relating to the said Company, or in any other Acts making the said Company subject or liable to any Prohibitions, Regulations, Restrictions, Penalties, Forfeitures, Clauses, Remedies, Matters, or Things, so far as the same are now in force, in the same Manner as if the said Mayor, Aldermen, and Burgesses had throughout the said Acts respectively been named instead of the said Company of Proprietors.

Clerks of the Peace to retain deposited Plans, and allow Inspection.

XXXII. And whereas Plans and Sections of the Reservoirs and Works proposed to be made for the Purpose of affording such additional Supply of Water as aforesaid, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or upon which the same are intended to be made, have been deposited with the several Clerks of the Peace for the Counties of *Lancaster*, *Chester*, and *Derby* respectively; be it enacted, That the said several Clerks of the Peace shall retain the said Plans, Sections, and Books of Reference, and shall permit all Persons interested to inspect the same, and to make Copies thereof or Extracts therefrom, in such Manner and under such Terms, and under such Penalty for Default, provided by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

7 W. 4. & 1 Vict. c. 83.

Copies to be Evidence.

XXXIII. And be it enacted, That true Copies of the said Plans and Book of Reference, or of any Extract therefrom, certified by such Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Mayor, &c. may purchase Lands for the Purposes of this Act.

XXXIV. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to purchase, take, and use such of the Lands delineated in the said Plans and described in the said Books of Reference as shall be necessary for the Purposes of the Works by this Act authorized.

Mayor, &c. may cause Reservoirs to be constructed.

XXXV. And be it enacted, That, subject to the Restrictions and Provisions in this Act and in the Act incorporated herewith contained, it shall be lawful for the Mayor, Aldermen, and Burgesses to make, construct, and maintain the several Reservoirs and Aqueducts and Conduits following; that is to say, a Reservoir upon the River *Etherow* at or near *Woodhead* in the Township of *Tintwistle* in the Parish of *Mottram-en-Longdendale* in the County of *Chester*, and in the Hamlet or Township of *Padfield* in the Parish of *Glossop* in the County of *Derby*; a Reservoir at or near the Junction of the *Great* and *Little Crowden Brooks* in the Township of *Tintwistle* and Parish of *Mottram-en-Longdendale* aforesaid; a Reservoir on the *Armfield Brook* near *Wooley* Mill in the same Township and Parish; a Reservoir near the

the Head or Source of the *Armfield Brook* in the same Township and Parish; a Reservoir on the *Hollingworth Brook* at or near *Car Wood* in the Townships of *Hollingworth* and *Tintwistle* in the Parish of *Mottram-en Longdendale;* a Reservoir near a Place called *Tetley* or *Tetlow Fold* in the Township of *Godley* in the said Parish of *Mottram-en-Longdendale;* a Reservoir near the *Sunfield* Public House on the *Manchester and Hyde* Turnpike Road in the Township of *Denton* and Parish of *Manchester* in the County of *Lancaster;* a Reservoir near the *Pendleton* Toll Bar in the Township of *Pendleton* in the Parish of *Eccles* in the County of *Lancaster;* a Reservoir on *Kersal Moor* Racecourse in the Township of *Broughton* in the said Parish of *Manchester;* an Aqueduct or Conduit commencing at *Enter Clough* in the Township of *Tintwistle* in the said Parish of *Mottram-en-Longdendale,* and terminating in the intended Reservoir at the Junction of the *Great* and *Little Crowden Brooks,* all within the said Township of *Tintwistle* and Parish of *Mottram-en-Longdendale;* an Aqueduct or Conduit commencing at the intended Reservoir at the Junction of the *Great* and *Little Crowden Brooks,* and terminating in the intended Reservoir on *Armfield Brook* near *Wooley* Mill, with a Branch to the *Armfield Brook* above the Works occupied by *John Robert Hull,* all within the Township of *Tintwistle* and Parish of *Mottram-en-Longdendale* aforesaid; an Aqueduct or Conduit commencing at the intended Reservoir on *Hollingworth Brook* near *Car Wood,* and terminating at the intended Reservoir near *Tetley* or *Tetlow Fold,* in the said Township of *Godley,* and which Aqueduct or Conduit will pass through or into the several Townships, Parishes, and Extra-parochial Places of *Hollingworth, Mottram, Godley, Hattersley, Matley,* and *Mottram-en-Longdendale,* all in the said County of *Chester;* an Aqueduct or Conduit within the Township of *Tintwistle* aforesaid commencing on *Armfield Moor,* and terminating in the intended Reservoir near the Head of *Armfield Brook;* another Aqueduct or Conduit within the said Township of *Tintwistle* commencing on a Part of the Moorland called *Bower* or *Boar Flat,* and terminating on or near *Robinson Moss,* with several Branches on the Moorland thereto and therefrom; an Aqueduct or Conduit within the said Township of *Tintwistle* on Parts of the Moorland called *Rake's Moss* and *Spond Moor,* with several Branches thereto and therefrom; an Aqueduct or Main Pipes from the intended Reservoir near *Tetley* or *Tetlow Fold* in the said Township of *Godley,* to the Reservoir in the said Township of *Denton,* and from thence to the said intended Reservoirs in *Pendleton* and *Broughton,* with a Branch to the present Reservoir of the Company of Proprietors of the *Manchester and Salford* Waterworks at *Gorton,* which Aqueduct or Pipes will pass through or into the several Townships, Parishes, or extra-parochial Places of *Godley, Mottram-en-Longdendale, Hyde,* and *Stockport* in the County of *Chester, Haughton, Ashton-under-Lyne, Audenshaw, Denton, Gorton, Newton, Ardwick, Manchester, Salford, Pendleton, Eccles, Cheetham,* and *Broughton,* in the County of *Lancaster,* for the Purpose of collecting and storing up in such Aqueducts, Conduits, and Reservoirs the Waters of the several Springs, Brooks, Rivulets, Streams, and Drains which rise or flow in or through the said several Townships, Parishes, and Places of *Padfield, Glossop, Tintwistle, Hollingworth,* and *Mottram-en-Longdendale* aforesaid, or any of them, or which spring up on the Site of

the said Reservoirs, Aqueducts, or Conduits, or any of them, together with all Cuts, Waterworks, Sluices, Aqueducts, and other Works necessary for effecting the same, and for connecting the said Reservoirs and other Works, or any of them, with the Reservoirs or other Works of the Company of Proprietors of the *Manchester and Salford* Waterworks at *Gorton* aforesaid, and to make, form, and construct in a proper Manner such Channels, Cuts, Tunnels, Feeders, Aqueducts, Floodgates, Sluices, Weirs, Dams, and other Works as may be necessary for diverting or altering the Course of such Works or any of them, or any of their respective Tributaries, or for conveying any of the Waters thereof respectively into the said Reservoirs, Aqueducts, or Conduits, or for conveying the same or any Part thereof, or the Flood Waters thereof respectively, along or past the Side of the said Reservoirs, Aqueducts, or Conduits, or any of them, into the Channels of the said Brooks, or any of them, below any of the said Reservoirs, and also for any of the Purposes aforesaid, or for the Purpose of laying down any Mains or Pipes for the Purposes of this Act, to cross, stop up, alter, or divert any of the Turnpike Roads, Parish Roads, and Highways, and other Roads shown upon the said Plans.

Mayor, &c. may cause Water to be taken from certain Brooks and their Tributaries.

XXXVI. And be it enacted, That, subject as aforesaid, it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to take and store up in the said Reservoirs so to be constructed as aforesaid, or in the said Reservoirs of the Company of Proprietors of the *Manchester and Salford* Waterworks, or any of them, the Waters of the said River and Brooks called the River *Etherow*, *Hayden Brook*, *Enter Clough Brook*, *Great* and *Little Crowden Brooks*, *Hollins Brook*, *Armfield Brook*, and *Hollingworth Brook*, and also of the Springs, Brooks, Rivulets, Streams, and Drains which rise or flow in or through the several Townships, Parishes, and Places of *Padfield*, *Glossop*, *Tintwistle*, *Hollingworth*, and *Mottram-en-Longdendale* aforesaid, or any of them, and unite themselves either directly or derivatively with the said several Brooks or Streams, and which may be intercepted or collected by any of the intended Works between *Wood Mead* aforesaid and the Fields numbered Twenty-six and Twenty-eight in the said Plans in the said Township of *Hollingworth*, or which spring upon the Site of the said Reservoirs, Aqueducts, or Conduits, or any of them, and from Time to Time draw off and use the Waters so stored up for the Purposes of this Act, and for the Purposes aforesaid to alter and divert the Course of the said Brooks and their Tributaries to the Extent and in the Manner shown on the said Plan.

Lands, &c., of J. Tollemache, Esq., not to be taken, except under Agreement.

XXXVII. And whereas *John Tollemache* Esquire is or claims to be the Owner of large Estates in the said Parish of *Mottram-en-Longdendale*, in and through which great Part of the said projected Reservoirs, Aqueducts, and other Works are intended to be constructed, and the same will intersect such Estates; be it therefore enacted, That, notwithstanding any other Provisions herein contained, the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, shall not be entitled in any Manner to take or purchase under the compulsory Powers of Purchase contained in the "Lands Clauses Consolidation Act, 1845," incorporated herewith, or contained in this Act,

any of the Lands or Hereditaments of the said *John Tollemache* in the said Parish of *Mottram-en-Longdendale*, or any Brooks, Streams, or Springs flowing through the same, but it shall be lawful for the said Mayor, Aldermen, and Burgesses to take, purchase, enter upon, and interfere with so much and such Parts of the said Lands, Estates, and Hereditaments of the said *John Tollemache*, his Heirs or Assigns, and in such Manner, and upon such Terms, Conditions, and Stipulations, as shall be provided in any Agreement in Writing for that Purpose made and entered into between and by the said Mayor, Aldermen, and Burgesses and the said *John Tollemache*, his Heirs or Assigns.

Tenants of J. Tollemache, Esq., may continue to take Water from, and allow waste Water, &c. to flow into Streams.

XXXVIII. Provided always, and be it enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for the Tenants for the Time being of any of the Estates of the said *John Tollemache* in the said Township of *Tintwistle*, and they are hereby authorized at all Times hereafter, without any Denial or Interruption on the Part of the said Mayor, Aldermen, and Burgesses, to continue to water any of their Cattle and Live Stock in any of the Streams and Brooks flowing from or through the Lands held by them to the Lands or Works of the said Mayor, Aldermen, and Burgesses, and also to continue to let their waste Water and liquid Manure to flow into the Streams or Brooks which have heretofore carried off the same, but that in order to prevent the same fouling or disturbing the Water in any of the Reservoirs by this Act authorized to be made it shall be lawful to and for the said Mayor, Aldermen, and Burgesses, their Successors or Assigns, and they are hereby authorized, at their own Costs and Charges, to construct and maintain on the Estate of the said *John Tollemache*, or any Part thereof, proper and sufficient draining Culverts and other Channels for diverting such waste Water and liquid Manure from the said Reservoirs and Works, and also if they shall think fit to lay down, construct, and maintain proper Tanks for the same Purpose, the said Mayor, Aldermen, and Burgesses paying in every such Case for all Damage or Injury which may thereby from Time to Time be occasioned to the said *John Tollemache*, his Heirs or Assigns, or his or their Tenants.

Mayor, &c. to permit Inhabitants of Tintwistle to take Water for certain Purposes.

XXXIX. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall from Time to Time and at all Times after the Completion of the said Works furnish or permit the Inhabitants residing within the Township of *Tintwistle* to take, under the Superintendence and Direction of the Engineer of the said Mayor, Aldermen, and Burgesses, from the Works of the said Mayor, Aldermen, and Burgesses, and as may be most convenient to such Inhabitants, all Water which shall at any Time hereafter be required for domestic or agricultural Purposes, other than for the Irrigation of Land, free from all Rates, Costs, and Charges for or in respect of such Water.

For securing Compensation, &c. to Parties interested in the Waters taken for

XL. Provided nevertheless, and be it enacted, That such Waters or any of them shall not be so taken, stored, or dammed up, drawn off, used, altered, or diverted, unless and until full Compensation and Satisfaction shall have been made to all Parties in any way interested in such Waters respectively, or in any Fall or Falls of Water, whether

Purposes of this Act.

whether occupied or unoccupied, connected therewith, situate below the Works of Mr. *Ralph Sidebottom* at *Millbrook* in the Parish of *Mottram-en-Longdendale*, and above the Weir belonging to the Works of Messrs. *Thomas* and *John Dalton* on the River *Etherow*, nor until full and adequate Provision shall have been made, by and at the Expence of the said Mayor, Aldermen, and Burgesses, for securing to the Owners, Lessees, and Occupiers of every Dwelling House and Premises within the Township of *Hollingworth* (the Springs, Brooks, and Waters for supplying which shall have been taken, used, altered, or diverted,) a Supply of Water equal in Quantity and Quality to the Supply which they would have severally enjoyed had this Act not passed, free from all Rates, Charges, and Costs connected therewith.

Agreement with Mr. Sidebottom to be carried into effect.

XLI. And whereas in order to obtain Part of the Supply of Water for the Purposes of this Act the said Mayor, Aldermen, and Burgesses have, by Agreement bearing Date the Twenty-sixth Day of *January* last, contracted and agreed with Mr. *Ralph Sidebottom* of *Millbrook* in the Parish of *Mottram-en-Longdendale* aforesaid, Cotton Spinner, for the Purchase of all his Right, Title, Estate, and Interest in and to the said *Armfield* and *Hollingworth Brooks* (subject to the Provisions herein-after contained for furnishing Water to his Cotton Mill or Factory and Works); be it therefore enacted, That the said Agreement so entered into by or on behalf of the said Mayor, Aldermen, and Burgesses shall be as valid and binding in all respects, and be enforceable by and against the said Mayor, Aldermen, and Burgesses, as if the same had been made and entered into subsequently to the passing of this Act, and under the Authority thereof.

Mayor, &c. to supply Mr. Sidebottom with condensing Water for his Mills and Factories, and with Water for certain other Purposes.

XLII. And be it enacted, That after the Construction of such Reservoirs and the Appropriation of the Water of the said Brooks under the Powers of this Act the said Mayor, Aldermen, and Burgesses shall from Time to Time, when he the said *Ralph Sidebottom*, his Heirs or Assigns, or his or their Tenants or Occupiers of his Mills and Factories at *Millbrook* aforesaid, shall require the same, and so long and during such Time as the present Reservoirs, Goits, or Watercourses shall be maintained and kept in repair by the said *Ralph Sidebottom*, his Heirs or Assigns, well and sufficiently supply to him or them all such condensing Water for his said Mills and Factories, and Water for the Gasworks connected therewith, and for the watering of Horses and Cattle, as they or he may find necessary or proper, in addition to the Water which may from Time to Time be stored in the said Reservoirs, Goits, and Watercourses belonging to the said *Ralph Sidebottom*, his Heirs or Assigns, and that they shall and will supply the same with all the Expedition after Notice thereof to the said Mayor, Aldermen, and Burgesses, or to the Person having the Care or Management of the said Reservoirs, or either of them.

Compensation to be made in case of Failure to

XLIII. And be it enacted, That if from any Cause whatever the said Mayor, Aldermen, and Burgesses shall at any Time not furnish such Supply of Water as aforesaid, the said Mayor, Aldermen, and Burgesses

Burgesses shall pay to the said *Ralph Sidebottom*, his Heirs and Assigns, or his or their Tenants, the Sum of Twenty Pounds for every Working Day during which such Supply shall not be furnished, by way of liquidated Damages and not of Penalty, and in full Compensation and Satisfaction for the Want of such Water as aforesaid, such Sum of Twenty Pounds to be from Time to Time recovered in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the Recovery of Penalties.

supply such Water.

XLIV. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall and they are hereby required, from Time to Time and at all Times for ever hereafter, to pay and make good to the Owners and Occupiers of all Mills, Manufactories, Buildings, and Lands and Grounds, and to every Person whomsoever, all Loss, Costs, and Charges, Sum or Sums of Money, Damages, and Expences whatsoever, and for all Injury of what Nature or Kind soever, as well immediate as consequential, which such Owners or Occupiers or other Persons may suffer, incur, pay, expend, or be put unto by reason or in consequence of the Failure or giving way of any of the said Reservoirs, Embankments, Watercourses, Pipes, or other Works constructed by the said Mayor, Aldermen, and Burgesses.

Compensation to be made to Owners and Occupiers of Mills, &c. for Damage.

XLV. And be it enacted, That the Mayor, Aldermen, and Burgesses shall not use, divert, interfere with, detain, or appropriate for the Supply of the Inhabitants within the Limits of this Act any of the Waters which now flow or pass, or which but for the passing of this Act would have flowed or passed, into the River *Etherow*, unless and until the Reservoir delineated on the said Plans and described thereon, called the Compensation Reservoir, shall be completed and filled with Water, and Water be discharged therefrom in the Quantity and Manner herein-after provided.

No Water to be appropriated till Reservoir at Woodhead is constructed and filled with Water.

XLVI. And be it enacted, That the Mayor, Aldermen, and Burgesses shall and they are hereby required to discharge from and out of the said Compensation Reservoir on each and every Working Day, for the Supply of the Mills and Works on the said River *Etherow*, a Quantity of Water equal at least to Sixty Cubic Feet *per* Second for Twelve Hours of every Working Day, commencing, continuing, and terminating at and during such Hours as shall from Time to Time be determined by the Occupiers of the several Mills and Works herein-after mentioned.

As to the Quantity of Water to be discharged out of Compensation Reservoir.

XLVII. And be it enacted, That the Mayor, Aldermen, and Burgesses shall and they are hereby required, for the Purpose of ascertaining the actual Quantity of Water so passing out of the said Compensation Reservoir, to make and construct and for ever thereafter maintain, within One hundred Yards from the Foot of the Bank of the said Reservoir, proper Weirs, Gauges, and other sufficient and necessary Works, under the Direction and Superintendence of Two Engineers, one to be appointed by the said Mayor, Aldermen, and Burgesses, and the other by the Majority of the Occupiers for the Time being of the said several Mills and Works herein-after men-

Gauges and other Works to be constructed.

tioned, with Power for such Engineers, in case of difference, to choose an Umpire between them, and their or his Decision shall be final and conclusive, and all Expences attending the making and Construction of such Weirs, Gauges, and Works, and the repairing thereof, and of such Arbitration, shall from Time to Time be paid by the said Mayor, Aldermen, and Burgesses.

Occupiers of Mills to have Access to Gauges.

XLVIII. And be it enacted, That it shall be lawful for the respective Occupiers of the said Mills and Works to have Access at all Times, by themselves, their Agents and Servants, to the said Weirs and Gauges, for the Purpose of measuring and gauging the Quantity of Water from Time to Time passing through or over the same; and the Mayor, Aldermen, and Burgesses shall at all Times provide a proper Person, at their own Expence, to attend to and regulate the letting out of Water from the said Compensation Reservoir.

Occupiers of Mills to meet and determine the Hours and Rate of Discharge.

XLIX. And be it enacted, That the Occupiers of the several Mills and Works situate on the River *Etherow* herein-after named, that is to say, the *Vale House* Mills, the *Tintwistle* Mill, *Bottom's Lodge* Mill, *Waterside* Mills, *Best Hill* Mills, *Broadbottom* Mills, and the *Hodge* Printworks, or a Majority of such Occupiers, shall and may from Time to Time convene and hold such Meetings as may be necessary or convenient for determining the Number of Hours, the Rate and Times of commencing and terminating the Discharge of the Water from and out of the said Compensation Reservoir; and the Decision of the Majority of Occupiers attending such Meeting shall be communicated in Writing, under the Hand of the Chairman thereof for the Time being, to the Town Clerk of the Borough of *Manchester*, and shall be acted upon by the said Mayor, Aldermen, and Burgesses in the several Particulars to which such Decision may relate; provided always, that only One Occupier in respect of any One of the said Mills and Works shall be entitled to join in convening or to vote at any such Meetings, or in the Appointment of any Engineer, or on any other Question under the Provisions of this Act.

Penalty on Failure to supply the stipulated Quantity of Water.

L. And be it enacted, That in case of any Failure, Neglect, or Default by or in consequence of which the Quantity of Water required to flow or be discharged from and out of the said Compensation Reservoir as aforesaid shall not so flow or be discharged therefrom, the Mayor, Aldermen, and Burgesses shall, for and during every Day on which such Failure, Neglect, or Default shall occur, forfeit and pay, by way of Penalties to the Occupiers of each of the said several Mills and Works affected thereby who may sue for and recover the same, the Sum of Fifty Pounds.

Mayor, &c. may draw off the Water enable

LI. Provided always, and be it enacted, That it shall be lawful to and for the said Mayor, Aldermen, and Burgesses, their Agents, Servants, and Workmen, to draw and let off the Water of any Reservoir when and so often as it shall be necessary for the Purpose of [illegible] and keeping it in repair, the Mayor, Aldermen, and Bur[illegible] off the said Water doing as little Damage thereby

as

as possible, and using all convenient Speed in making the necessary Repairs.

Supply to be kept up during Repairs.

LII. Provided always, and be it enacted, That the Mayor, Aldermen, and Burgesses shall continue the Supply of Water as aforesaid to the said Mills and Works during such Repairs.

Mayor, &c. to apply to Parliament for Powers to construct auxiliary Reservoirs.

LIII. And whereas it is expedient, for the more useful Application of the Water to be discharged from the said Compensation Reservoir to and for the Purposes of the said Mills and Works herein-before mentioned, that auxiliary Reservoirs should be constructed on the Course of the said River *Etherow*: And whereas the same cannot be effected by and under the Authority of this Act: Be it therefore enacted, That the Mayor, Aldermen, and Burgesses shall apply in the next Session of Parliament for an Act to enable the said Mayor, Aldermen, and Burgesses to construct, and shall by such Act be required to construct, at their own Expence, such auxiliary and other Reservoirs and Works as may be necessary for the Purposes aforesaid.

Compensation to be made for Injury to the Hodge Mill Printworks.

LIV. And whereas the Execution of the several Works hereby authorized may produce Injury to the Printworks at *Hodge* belonging or claimed to be belonging to Mr. *Richard Matley*, by depriving those Works of the constant Supply of Water which they have hitherto enjoyed during the Night as well as during the Day, and by injuring the Quality of the Water for the Purposes of dyeing, washing, and printing; be it enacted, That before taking or appropriating any of the Waters hereby authorized to be taken for the Purposes of this Act the said Mayor, Aldermen, and Burgesses shall make full and adequate Compensation to the said *Richard Matley*, and other the Owners, Lessees, and Occupiers for the Time being of the said Printworks at *Hodge* aforesaid, for all Injury, Damages, and Expences which he and they may respectively sustain or incur by reason or in consequence of the Exercise of all or any of the Powers conferred by this Act, the Amount of such Compensation to be ascertained by Arbitration in the Manner provided in Cases of disputed Compensation by the Lands Clauses Consolidation Act, 1845.

Rights of Millowners not to be prejudiced.

LV. And be it enacted, That nothing in this Act contained shall be construed to affect, diminish, prejudice, or alter in any Manner whatsoever any Right which before the passing of this Act the Owners, Lessees, and Occupiers of any Lands, Mills, and Works, or any of the Rivers, Streams, or Brooks, authorized to be taken or used for the Purposes of this Act, had or have possessed or enjoyed, or might lawfully have, possess, or enjoy, to the Use of the Waters of the said Rivers or Streams and Brooks, or of the tributary Streams, Springs, or Drains running or flowing into the same or connected with the said Rivers, Streams, or Brooks, any or either of them, except so far as is herein expressly provided and declared in and by this Act.

Mayor, &c. not to alter or divert the Spring

LVI. And whereas *Joshua Heginbotham Reddish* is or claims to be the Owner in Fee of a certain Farm, Messuage, and Premises known

belonging to Mr. J. H. Reddish.

known by the Name of the *Throstle Nest Farm*, situate and being in the said Township of *Hollinguorth* in the said Parish of *Mottram-en-Longdendale*, and of a certain Spring rising in a Field called *Woodfield*, which is a Part of the said *Throstle Nest Farm*, and numbered Thirteen and Fourteen in the said Plan herein-before mentioned: And whereas the Water from the said Spring has for many Years past been and is now conveyed in a certain Culvert, Drain, or Channel, and a certain Pipe branching therefrom to the said Farm, Messuage, and Premises, and used as well for working a Steam Engine as for domestic, agricultural, and other Purposes: And whereas the said Mayor, Aldermen, and Burgesses have agreed to preserve to the said *Joshua Heginbotham Reddish*, his Heirs and Assigns, the said Spring and the Flow thereof; be it therefore enacted, That, notwithstanding any thing herein contained, it shall not be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, to alter, divert, or appropriate, or in any respect injuriously to affect, the said Spring or Flow of Water.

Mayor, &c. to cause Water to be conveyed in Pipes through the Works by this Act authorized.

LVII. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall, at their own Costs and Charges, convey in a Channel or Pipe of similar Dimensions to that which is now used the Flow of Water from the said Spring over, under, or through any of the Works by this Act authorized to be made and constructed by the said Mayor, Aldermen, and Burgesses, and if in the Execution of such Works, or at any Time hereafter, by reason of any Act of the said Mayor, Aldermen, and Burgesses, or their Successors, the said Spring or Flow of Water therefrom shall be unavoidably interfered with or diminished in Quantity or deteriorated in Quality, that then the said Mayor, Aldermen, and Burgesses shall and they are hereby required, at their own Costs and Charges, to supply to the said *Joshua Heginbotham Reddish*, his Heirs and Assigns, free from all Rates and Charges, Expences, and Payments whatever, Water equal in Quantity and Quality to that which he and they have enjoyed and are now entitled to.

For Protection of Mills or Works on Godley or Werneth Brook.

LVIII. Provided nevertheless, That nothing in this Act contained shall authorize or empower, or be construed to authorize or empower, the said Mayor, Aldermen, and Burgesses to take, divert, use, store up, appropriate, or otherwise interfere with any Part of the Water of a certain Brook or Stream called *Werneth Brook* or *Godley Brook* which supplies the Works of *Robert Ashton* of *Hyde* in the said County of *Chester*, Calico Printer, situate at or near *Newton Bank* in the Townships of *Newton* and *Hyde* aforesaid, and also the Works of *John Sidebotham* of *Hyde* aforesaid, Cotton Spinner and Manufacturer, situate at or near *Kingston* in the said Township of *Hyde*, or any of the Streams, Springs, Rivulets, or Tributaries of the said Brook, or any other Brook, Stream, or Water for the Time being supplying the said Works or either of them with Water or Water Power, until full and adequate Provision shall have been made by and at the Expence of the said Mayor, Aldermen, and Burgesses for securing to the respective Owners for the Time being of the said Works and Premises, and also to the respective Owners of any other Works or Premises on or supplied with Water from the said Brook, their respective

tive Heirs, Executors, Administrators, and Assigns, and their respective Lessees and Occupiers, a Supply of Water equal in Quantity and Quality to the Supply which they would have respectively enjoyed had this Act not passed, which Supply of Water shall be furnished at all Times free from all Rates and Charges authorized to be received or levied by this Act, and from all Costs connected therewith, nor until full Compensation and Satisfaction shall have been made to all Parties who shall for the Time being be in any way interested in such Works and Premises respectively.

For Protection of Vale House Clough.

LIX. Provided always, and be it enacted, That, notwithstanding any thing herein contained, it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or any Person or Persons acting under their Authority, or under the Authority of this Act, to discharge any of the Water which may be collected or stored in any of the Catchwater Drains, Watercourses, or other Works by this Act authorized to be made, either directly or indirectly, into the Stream or Brook situate in the said Township of *Tintwistle*, and called or known by the Name of the *Ashfield Gutter* or *Vale House Clough*.

Period within which Lands are to be purchased.

LX. And be it enacted, That the Powers of the Mayor, Aldermen, and Burgesses for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Mayor, &c. may purchase Streams, Water, Lands, &c.

LXI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, and they are hereby empowered, to contract and agree with any Person willing to dispose of the same, for the Purchase, upon such Terms and for such Considerations as shall be agreed upon, either by absolute Purchase or by Payment of a certain annual Sum for the Use of the same, of the whole or any Part of any private Streams of Water, Ponds, Springs, Streams, Rivulets, or other Watercourses, or of any Rights therein, and for the Purchase of any Land required to be taken and used in such Places as shall be deemed eligible for the Purpose of obtaining Water from Springs, or by sinking of Wells, and for protecting such Springs or Wells, or any Streams, Rivulets, or Watercourses, from which the Mayor, Aldermen, and Burgesses may procure Water, from Injury or Deterioration, and for making and providing Reservoirs, Banks, Aqueducts, and other Buildings, Works, and Conveniences, or for making Receptacles for impure Water draining from Dung-heaps, Farmyards, Gasworks, Chemical Manufactories, Drains, and other Sources, which in the Opinion of the Mayor, Aldermen, and Burgesses may be necessary for protecting the Water to be supplied by them, or for making convenient Ways or Roads to the said Works, or for any other Purpose connected with the said Works, which the Mayor, Aldermen, and Burgesses may find necessary for the Purpose of obtaining and protecting such Supply of Water as aforesaid: Provided always, that nothing herein contained shall authorize the Mayor, Aldermen, and Burgesses to purchase, take, or use any such private Streams of Water, Ponds, Springs, Rivulets, or other Watercourses, or any Right or Interest therein, or any Land, unless with the Consent of and by

Agreement with the Owners thereof, or the Parties interested in or enabled to sell the same.

Mayor, &c. to make new Roads where existing Roads are diverted or interfered with.

LXII. And be it enacted, That in all Cases where any existing Turnpike Road, or any Part thereof, shall be found necessary to be occupied or used as Part of any such Site or Sites, or shall be rendered impassable or inconvenient to be used as heretofore, the Mayor, Aldermen, and Burgesses shall and they are hereby required, in and upon Lands to be purchased by them according to the Provisions of this Act, before they shall commence the Execution of any Work whereby any such Turnpike Road or any Part thereof, or the Passage along the same, may be impeded or interrupted, to make in lieu of any such Turnpike Road, or of so much respectively as shall or may be so impeded or interrupted, another or new Road, and of such Width and in such Manner, and so as that the same shall be equally advantageous for the Public as the existing Road now is, or as nearly thereto as Circumstances will permit, and thereupon such existing Road, or such Part thereof as aforesaid, shall and may be stopped up and discontinued: Provided also, that in all Cases where any such Turnpike Road or Part of any Turnpike Road so to be stopped up or discontinued, and in lieu and substitution whereof a new Road shall be so made, has been usually kept in repair, or ought to have been kept in repair, by any Person or Persons by Prescription, Agreement, legal Enactment, or otherwise, such new or substituted Road shall, after the making thereof, be henceforth maintained and kept in repair by such Person or Persons as aforesaid, and such new or substituted Road shall, to all Intents and Purposes, thenceforth be and continue to be subject to all the Clauses and Enactments contained in the General Turnpike Act, and in the local Act or Acts of any such Turnpike Road or Roads, or in any other Act or Acts relating to or in any Manner affecting such Turnpike Road in lieu whereof such new or substituted Road shall be made, so far as the same Acts respectively shall be applicable thereto: Provided also, that in case any such existing Turnpike Road or any Part thereof shall be rendered impassable, or the accustomed Use thereof be prejudiced by the making of any Works by the Mayor, Aldermen, and Burgesses before a new Road in lieu thereof shall have been made or substituted and completed, then the Mayor, Aldermen, and Burgesses shall pay and forfeit for each and every Day during which such new or substituted Road shall be unmade or not completed the Sum of Twenty Pounds, to be recoverable in like Manner as any Money payable by the Mayor, Aldermen, and Burgesses for Damage done under this Act may or can be recovered.

Mayor, &c. not to deviate from Plans without Consent.

LXIII. And be it enacted, That in stopping up, altering, or discontinuing any of the existing Turnpike Roads, or in substituting other Roads in lieu thereof, it shall not be lawful for the Mayor, Aldermen, and Burgesses to deviate from the Plans and Sections deposited with the Clerks of the Peace as aforesaid, without the Consent in Writing of the Trustees of the respective Turnpike Roads to be affected thereby.

LXIV. And

LXIV. And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty *William* the Fourth, intituled *An Act for improving and maintaining the Road from the South Side of a Bridge over the River* Colne *called* Engine Bridge, *in the Township of* Huddersfield *in the West Riding of the County of* York, *to* Woodhead *in the County Palatine of* Chester, *and from thence to a Bridge over the River* Mersey *called* Enterclough Bridge, *on the Confines of the County of* Derby: And whereas Trustees were appointed by the said Act for keeping up the said Road, and for otherwise putting the same Act into execution: And whereas another Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Roads from* Manchester *in the County Palatine of* Lancaster *to* Salter's Brook *in the County Palatine of* Chester, *and for making and maintaining several Extensions and Diversions of Roads, and a new Branch of Road to communicate therewith:* And whereas Trustees were appointed by the said last-mentioned Act for carrying the same Act into execution: And whereas a Portion of the Traffic and Passengers passing over the said *Huddersfield and Woodhead* Road at present crosses the said *Manchester and Salter's Brook* Road at a certain Inn called the *George and Dragon* in the Parish of *Woodhead*, and then passes along a Road called the *Chapel-en-le-Frith and Enterclough Bridge* Turnpike Road: And whereas the Mayor, Aldermen, and Burgesses in the Formation of their Undertaking propose to make such a Substitution of Roads that the said Traffic and Passengers, in place of merely crossing the said *Manchester and Salter's Brook* Road as aforesaid, will have to pass over it from the said Inn to a Point near the Seventeenth Milestone from *Manchester*, where one of the Diversions rendered necessary by this Act is proposed to be made: And whereas the Trustees of the said *Manchester and Salter's Brook* Road would be entitled to levy Tolls upon such Traffic, but have agreed to receive a fix annual Sum of Twenty Pounds in lieu thereof: And whereas, as the Payment of such annual Sum is rendered necessary by the Works contemplated by this Act, it is just that the Mayor, Aldermen, and Burgesses should defray the same: Be it therefore enacted, That the Mayor, Aldermen, and Burgesses shall for ever hereafter pay or cause to be paid to the Trustees of the said *Manchester and Salter's Brook* Road the Sum of Twenty Pounds annually, and that in consideration of such annual Payment all the Traffic and Passengers going from the said *Huddersfield and Woodhead* Road to the said *Chapel-en-le-Frith and Enterclough Bridge* Road, or from the last-mentioned Road to the said *Huddersfield and Woodhead* Road, along the said *Manchester and Salter's Brook* Road between the Points aforesaid respectively, shall be free from all Tolls and other Charges.

Mayor, &c. to pay 20*l.* annually to Trustees of Manchester and Salter's Brook Turnpike Road.

1 & 2 W. 4. c. 40.

7 G. 4. c. 16.

LXV. And be it enacted, That the annual Sum of Twenty Pounds so directed to be paid by the Mayor, Aldermen, and Burgesses to the said Trustees shall be payable on the Thirty-first Day of *December* in every Year succeeding the Completion of the Works and the Diversion of the Road by the said Mayor, Aldermen, and Burgesses, and shall be free from all Deductions whatsoever, and the same shall be charged upon the Rates by this Act authorized to be levied; and if

Annual Sum of 20*l.* to be charged on Rates.

if at any Time any such Sum shall be not paid within Thirty Days after it shall so become payable, and after Demand thereof in Writing made by the Clerk of the said Trustees, the Trustees may recover the same from the said Mayor, Aldermen, and Burgesses, by Action of Debt brought in the Name of their Clerk or Treasurer.

Corporation to pay for old Toll-house.

LXVI. And whereas upon the Part of the Turnpike Road to be diverted a Toll House and Gates have been erected by the Trustees; be it enacted, That Three Months at least before commencing any Alteration of the said *Manchester and Salter's Brook* Turnpike Road the Mayor, Aldermen, and Burgesses shall pay to the Trustees of the said Road the Sum of One hundred and fifty Pounds as Purchase Money for the said Toll House, and at the Expiration of Three Months after such Payment the Materials and Toll House may be pulled down and removed by the Mayor, Aldermen, and Burgesses, and the Gates shall be removed by the said Trustees.

Drains across Road to be constructed.

LXVII. And for the Purpose of preventing Injury to the said Turnpike Road from Leakage or overflowing from the Works by this Act authorized, the Mayor, Aldermen, and Burgesses shall construct good and sufficient Drains and Culverts across and underneath the said Turnpike Road, to the Satisfaction of the Trustees of the said *Manchester and Salter's Brook* Turnpike Road, for the Purpose of carrying off any Water which might leak or overflow from any of the Works of the Mayor, Aldermen, and Burgesses; and in case the said Mayor, Aldermen, and Burgesses shall not construct Works adequate for such Purposes (to be determined by Two Justices in case of Dispute), or shall not repair the same, it shall be lawful for the Trustees or their Surveyor to cause such Works to be made or repaired, and the Costs and Expences thereof shall be repaid on Demand by the said Mayor, Aldermen, and Burgesses to the said Trustees or their Surveyor.

No Deviation in Lines of Feeders between certain Points.

LXVIII. And be it enacted, That in constructing the Watercourse, Channels, Cuts, Feeders, and Aqueducts between the Fields numbered respectively Sixty-eight and Two hundred and fifty in the Township of *Tintwistle*, it shall not be lawful for the Mayor, Aldermen, and Burgesses to deviate from the full Black Lines shown on the deposited Plans as the Line of the Watercourse, so as to cross, impede, contract, or interfere with the Turnpike Road between the same Points, without the Consent of the Trustees of the said *Manchester and Salter's Brook* Turnpike Road first obtained in Writing under the Hand of their Clerk.

Watering Places on Road to be made.

LXIX. And be it enacted, That the Mayor, Aldermen, and Burgesses shall to the Satisfaction of the Trustees provide and supply Watering Places by the Side of the said Turnpike Road in lieu of any Watering Places which may have been destroyed or interfered with by the Works of the Mayor, Aldermen, and Burgesses, and such Watering Places shall be so made as to be sufficiently supplied with Water as theretofore, and the Mayor, Aldermen, and Burgesses shall make all necessary Watercourses and Drains for the Purpose of conveying Water to such Watering Places.

LXX. Pro-

Mayor, &c. to raise the Bridge over Heyden Brook, and also the Approaches thereto.

LXX. Provided always, and be it enacted, That for the Purpose of carrying the Turnpike Road from *Manchester* to *Salter's Brook* over or across the said proposed Reservoir at or near *Woodhead* in the said Township of *Tintwistle*, the Mayor, Aldermen, and Burgesses shall raise the public Bridge belonging to the Magistrates or Inhabitants of the County of *Chester*, over the Stream called *Heyden Brook*, in the said Township of *Tintwistle*, and also the Approaches to the said Bridge on each Side thereof, so far as the same belong to the said Magistrates or Inhabitants, to the Extent and so that the Surface of the Road over the said Bridge and of the Approaches thereto, shall be at least Four Feet above the Top-water Level of the said Reservoir, and so that there shall be not less than Six hundred Square Feet of Waterway through the said Bridge.

Mayor, &c. to cause proper Facings for Protection of Bridge, and proper Foundations for Road.

LXXI. Provided also, and be it enacted, That the Mayor, Aldermen, and Burgesses shall construct all such Breast-walling and Stone Facing as may be necessary for the Protection of the said Bridge and Approaches thereto against the Lash of the Water in the said Reservoir, and shall also make a proper Foundation for the Road over the said Bridge and Approaches to the full Extent of the Roadway raised or altered by them, and shall sufficiently metal such Road, and make the same in every respect as good as the existing Road over the said Bridge and Approaches; and the whole of the Works connected with the said Bridge and Approaches and Road, or which shall be required by the Alteration of the said Bridge and the Approaches thereto, shall be executed by the Mayor, Aldermen, and Burgesses, according to such Plan as shall be previously agreed upon between the Engineer for the Time being of the said Mayor, Aldermen, and Burgesses and the Bridge Master for the Time being of the County of *Chester*.

Mayor, &c. to cause a temporary Bridge to be made.

LXXII. Provided also, and be it enacted, That before the Mayor, Aldermen, and Burgesses shall do any Act in relation to the said Bridge over *Heyden Brook* by which the Traffic over the same shall be completely stopped, they shall cause a sufficient temporary Bridge, with proper Approaches thereto, and Road over the same, to be made over the said Brook as near as may be to the said existing Bridge, and shall at their own Expence maintain such temporary Bridge and Approaches and Road in good Repair, until the said existing Bridge and Approaches shall have been raised and altered, and the Road over the same shall have been completed and made fit for the Use of the Public.

Penalty for not substituting a Bridge for Heyden Brook Bridge.

LXXIII. And be it enacted, That if the Mayor, Aldermen, and Burgesses neglect to cause another sufficient Bridge and Approaches and Road to be so made as herein-before required, before they interfere with the said existing Bridge over *Heyden Brook*, they shall forfeit Fifty Pounds for every Day during which such substituted Bridge and Approaches and Road shall not be made after the Traffic over the existing Road shall have been so completely stopped, and such Penalty shall be paid to the Treasurer of the County of *Chester*, and shall be applied in aid of the County Rate of the said County.

Not to lay Pipes, &c. over Kingston Bridge, &c.

LXXIV. Provided always, and be it enacted, That it shall not be lawful for the Mayor, Aldermen, and Burgesses to lay any Mains or Pipes over the public Bridge in the Township of *Hyde* in the County of *Chester* called *Kingston Bridge*, or over the public Bridge in the County of *Chester* and the Hundred of *Salford* in the County of *Lancaster* called *Broomstair Bridge*, in the Lines shown on the Plans so deposited as aforesaid, or in any other Line between the Parapet Walls of the said Bridges respectively, unless it shall be necessary for the Purpose of carrying such Mains or Pipes along the said Bridges on the Outside of the Parapet Walls thereof to take or use any Lands which the Mayor, Aldermen, and Burgesses have no Power to take or use under the Provisions of this Act, and which they shall be unable to take or use by Agreement with the Owners of such Lands, but it shall be lawful for the Mayor, Aldermen, and Burgesses, subject to the Provisions of this Act, to carry any Mains or Pipes along each of the said Bridges, on the Outside of the Parapet Wall thereof, on the down-stream Side of such Bridge.

Works to Bridges to be executed according to Plans, and in a substantial Manner.

LXXV. And be it enacted, That any Mains or Pipes of the Mayor, Aldermen, and Burgesses which shall be carried over the said Bridges called *Kingston Bridge* and *Broomstair Bridge*, either between the Parapet Walls thereof or on the Outside of such Parapet Walls, shall be carried over such Bridges respectively only in such Manner as shall in each Case be shown upon a Plan to be previously approved of, so far as relates to *Kingston Bridge*, by the Engineer of the Mayor, Aldermen, and Burgesses and the Bridge Master for the Time being of the County of *Chester*, and so far as relates to *Broomstair Bridge* by the Engineer of the Mayor, Aldermen, and Burgesses and the Bridge Master for the Time being of the County of *Chester*, and the Bridge Master for the Time being of the Hundred of *Salford* in the County of *Lancaster*.

If Bridges sustain any Damage, Mayor, &c. to repair the same.

LXXVI. And be it enacted, That if the said Bridge over *Heyden Brook*, or the retaining Walls thereof, or the Approaches thereto, or the Breast-walling or Facing thereof, or the Road over the said Bridge and Approaches, shall at any Time sustain any Damage from Floods or from the Action of the Water in the said intended Reservoir, or if the said Bridges called *Kingston Bridge* and *Broomstair Bridge* or either of them shall at any Time sustain any Damage from the Mains or Pipes laid over or along the same, either between the Parapet or on the Outside thereof, or from Water leaking from such Mains or Pipes, or if any of the said Three Bridges shall sustain any other Damage in consequence of any of the Works or Acts or Omissions of the Mayor, Aldermen, and Burgesses, then and in every such Case they shall forthwith from Time to Time, when and so often as the same shall happen, repair and make good such Damage with all possible Despatch, and execute all such further Works as shall be necessary for protecting the Bridge which shall have sustained such Damage and Injury, and the retaining Walls thereof and the Approaches thereto, from further Damage or Injury.

LXXVII. And

Additions to the Three Bridges to be kept in repair by the Mayor, &c.

LXXVII. And be it enacted, That all Additions which may at any Time be made by the Mayor, Aldermen, and Burgesses to the Bridges called *Heyden Brook Bridge*, *Kingston Bridge*, and *Broomstair Bridge*, or any or either of them, or the retaining Walls thereof or the Approaches thereto, for any of the Purposes of this Act, or for the Purpose of better securing the same from Damage in consequence of any of the Works of the Mayor, Aldermen, and Burgesses, (except only the Maintenance and Repair of the Surface of the Roads over the same respectively,) shall, after any Alteration of the said Bridges or any of them under the Provisions of this Act, be maintained and kept in repair by the Mayor, Aldermen, and Burgesses, and all the Works, Additions, Alterations, and Repairs which the Mayor, Aldermen, and Burgesses are by the Provisions of this Act, or which they may be by any such Plan to be so approved of as aforesaid, required to do and execute with reference to the said Bridges called *Heyden Brook Bridge*, *Kingston Bridge*, and *Broomstair Bridge*, or any or either of them, or the retaining Walls thereof or the Approaches thereto, shall be respectively done and executed by the Mayor, Aldermen, and Burgesses in a substantial and workmanlike Manner, and to the Satisfaction of the Bridge Master or Bridge Masters having the Control of the Bridge to which the same relate, and the Mayor, Aldermen, and Burgesses shall, Ten Days at least before they shall commence any of the Works hereby authorized or required to be done by them upon or in relation to the said Bridges or any of them, or the retaining Walls thereof or the Approaches thereto, give to the Bridge Master or Bridge Masters for the Time being having the Care or Control of the Bridge upon or in relation to which such Works shall be proposed to be executed Notice in Writing of the Day and Time at which such Works are proposed to be commenced, and of the general Nature of such proposed Works.

If Engineer and Bridge Master of Chester, or of Chester and Salford, cannot agree as to Heyden Brook Bridge, &c. the same to be settled by an Engineer.

LXXVIII. And be it enacted, That in case of any Dispute between the Engineer for the Time being of the Mayor, Aldermen, and Burgesses and the Bridge Master for the Time being of the County of *Chester*, or, as the Case may be, between the Engineer of the Mayor, Aldermen, and Burgesses and the Bridge Master for the Time being of the County of *Chester* and the Bridge Master for the Time being of the Hundred of *Salford* in the County of *Lancaster*, as to the Plan of raising the said Bridge over *Heyden Brook*, or the Approaches thereto, or as to the Breast-walling or Facing of the said Bridge and Approaches, or as to the Formation of the Road over the same, or as to the Nature and Extent of the Additions to or Alterations in the said Bridge or Approaches which may be necessary for the Purpose of raising the same in the Manner required by this Act, or as to the Nature or Extent of any Repairs to be at any Time done thereto by the Mayor, Aldermen, and Burgesses, or as to the Workmanship of any Works hereby required to be done by the Mayor, Aldermen, and Burgesses with reference to the said Bridge and Approaches and Road, or as to the Plan of carrying any Mains or Pipes over or along the said Bridges called *Kingston Bridge* and *Broomstair Bridge*, or either of them, either between the Parapet Walls thereof or on the Outside of such Parapets, or as to the Nature and Extent of the Additions to

or

or Alterations in the said Bridges or either of them which may be necessary for the Purposes of supporting the said Mains or Pipes, or as to the Workmanship of any Works hereby required to be done by the Mayor, Aldermen, and Burgesses with reference to such Bridges or either of them, or the Mains or Pipes to be carried over or along the same, such Disputes shall be referred to the Determination of Mr. *Robert Stephenson*, of *Great George Street, Westminster*, Civil Engineer, or of such other Umpire, being a Civil Engineer, as the Engineer of the Mayor, Aldermen, and Burgesses and the said Bridge Master or Bridge Masters, as the Case may be, shall agree upon; and in case the Engineer of the Mayor, Aldermen, and Burgesses and the said Bridge Master or Bridge Masters, as the Case may be, cannot agree in the Appointment of an Umpire, or in case either of the said Parties shall, for the Space of Seven Days after being thereto required in Writing by the other or others of them, refuse or neglect to join in appointing an Umpire, then and in every such Case either of the Parties shall be at liberty, upon giving Ten Days previous Notice in Writing to the other of them, to apply to the Recorder of the City of *Chester*, who is hereby authorized and required to name and appoint some competent Person, being a Civil Engineer, to be such Umpire; and the Decision of such Umpire on all Questions in dispute submitted to him shall be final, and shall be acquiesced in by all Parties.

Expence of Works to Heyden Brook, and Kingston and Broomstair Bridges, to be paid by the Mayor, &c.

LXXIX. And be it enacted, That all the Charges, Costs, and Expences of the several Works, Matters, and Things by this Act authorized or required to be done and executed by the Mayor, Aldermen, and Burgesses with reference to the said Bridge over *Heyden Brook*, or the retaining Walls thereof or the Approaches thereto, or the Breast-walling or Facing thereof, or the Road over the said Bridge and Approaches, or with reference to the said Bridges called *Kingston Bridge* and *Broomstair Bridge*, or the retaining Walls thereof or the Approaches thereto respectively, and in anywise incident to the said Three several Bridges, or any or either of them, and also the Costs, Charges, and Expences of and incidental to any Reference to Mr. *Stephenson* or to any other Umpire as aforesaid, or to any Application to the Recorder of *Chester* to appoint an Umpire, shall be paid and discharged by the Mayor, Aldermen, and Burgesses.

Notice to be given to Surveyor or Bridge Master before Pipes are laid across certain Bridges, and be subject to his Approval.

LXXX. And be it enacted, That before proceeding to lay down any Mains or Pipes in, along, under, or across any of the several Bridges called *Downing Street Bridge* and *London Road Bridge*, over the River *Medlock* in the Borough and Parish of *Manchester*, and *Hunt's Bank Bridge* over the River *Irk* in the said Borough and Parish, the said Mayor, Aldermen, and Burgesses shall and they are hereby required to give or cause to be given to the Surveyor or Bridge Master of the Hundred of *Salford* a Notice in Writing of such their Intention Ten Days before the Commencement of any such Operations, and such Mains and Pipes shall be formed and laid down as regards the several Bridges in such Manner and according to such Plan as may be approved by the said Surveyor or Bridge Master for the Time being: Provided always, that if the said Surveyor or Bridge Master shall neglect or refuse to furnish or approve such Plan,

or shall not attend at the Time appointed, having had Notice of the Intention of the said Mayor, Aldermen, and Burgesses as aforesaid, then and in such Case it shall be lawful for the said Mayor, Aldermen, and Burgesses to proceed to the Execution of the Work without the Directions or Approval of such Surveyor or Bridge Master, they the said Mayor, Aldermen, and Burgesses doing as little Damage as may be in the Performance of the same, and making Compensation for any Injury caused thereby as herein-after mentioned.

Mayor, &c. to make Compensation for Damages resulting from Works.

LXXXI. And be it enacted, That in case any Damage or Injury shall at any Time arise to the said several Bridges after the laying down of the Mains and Pipes across the same, resulting from or by reason of such Mains and Pipes or other Works of the said Mayor, Aldermen, and Burgesses, it shall be incumbent on the said Mayor, Aldermen, and Burgesses, and they are hereby required, to make Compensation and Satisfaction for the same in the Manner provided by the "Lands Clauses Consolidation Act, 1845."

For Protection of Manchester, Hyde, and Mottram Turnpike Road.

LXXXII. And whereas Aqueducts and Pipes for the Conveyance of Water are intended to be laid under the *Manchester*, *Hyde*, *and Mottram* Turnpike Road for the Distance of Seven Miles and a Half or thereabouts: And whereas the laying down such Aqueducts or Pipes under such Turnpike Road and breaking up the Surface thereof may impede the Traffic thereon and entail heavy Expences upon the Trustees in re-forming and repairing such Road; be it therefore enacted as follows; (that is to say,)

Three Days Notice (except in case of Accident or other unforeseen Emergency, and then as early Notice as practicable) shall be given by the Mayor, Aldermen, and Burgesses to the Surveyor of the Turnpike Road of the Intention to break up any Part thereof:

The Mayor, Aldermen, and Burgesses shall not alter the Level of such Turnpike Road, or any Part thereof, without the Consent in Writing of the Surveyor of the said Road:

The Mayor, Aldermen, and Burgesses shall not break up at any one Time more than Fifty Yards in Length, or occupy for any Purpose whatever more than One hundred Yards in Length at any one Time:

A clear Carriageway of One Half of the entire Width of the Road at the least shall be left for the Passage of Carriages during any Interference by the Mayor, Aldermen, and Burgesses with the said Road:

The Pipes shall be laid on the South Side of the Turnpike Road, and the Spaces before reserved for Carriages shall always be on the North Side of the Road, except where otherwise permitted by the Trustees:

No loose Pipes, Earth, or Materials shall be laid on the North Side of the Road or upon any of the Footways:

The Mayor, Aldermen, and Burgesses shall effectually repair to the reasonable Satisfaction of the Surveyor of the Turnpike Road any Sewer or Drain broken into or injured in the Execution of any of the Works:

In case the Trench for the Pipes or any Cutting made by the Mayor, Aldermen, and Burgesses shall be flooded, the Mayor, Aldermen, and Burgesses shall provide a Pump and Pipes to convey such Water away, and shall not cast the same upon any Part of the Turnpike Road or upon any of the Footways:

The Mayor, Aldermen, and Burgesses shall reinstate the Road at their own Expence, and effectually repair the same from Time to Time so long as any Settlement or Disturbance of the Surface thereof shall occur by reason of the Works by this Act authorized, to the reasonable Satisfaction of the said Trustees and their Surveyor; and if any Dispute shall arise between the Parties respecting such Repairs or Reinstatement as aforesaid, the same shall be determined by Two Justices of the County in which such Repairs or Reinstatement shall be required and be in dispute, upon the Application of either Party:

And if the Mayor, Aldermen, and Burgesses, or any of their Contractors or Servants, shall act in any Manner contrary to any of the Restrictions before contained, unless with the Consent of the Trustees of the Turnpike Road, the Mayor, Aldermen, and Burgesses shall forfeit and pay to the said Trustees, as or by way of ascertained Damages, the Sum of Forty Shillings, and the further Sum of Five Pounds for every Day during which the Act or Thing done or omitted to be done contrary to the Provisions aforesaid shall continue or shall remain unperformed after Three Days Notice in Writing from the said Trustees or their Surveyor.

For the Protection of the Manchester and Leeds Railway Company.

LXXXIII. Provided always, and be it enacted, That any Pipe which may be laid upon, under, or over the *Manchester, Bolton, and Bury* Canal and Railway, or any of the Land and Works appertaining thereto, shall be laid to the reasonable Satisfaction of the Engineer of the *Manchester and Leeds* Railway Company for the Time being, and it shall not be lawful for the said Mayor, Aldermen, and Burgesses in carrying into execution the Powers of this Act in any way whatever to alter the Level of or to injure any such Canal and Railway, or any of the Works from Time to Time connected therewith, nor to interfere with, prevent, or in anywise impede the free, uninterrupted, and safe Passage upon, over, and along any such Canal and Railway, or any Part thereof respectively.

Saving Rights of the Manchester and Leeds Railway Company.

LXXXIV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, alter, prejudice, or take away any of the Rights, Privileges, Franchises, Powers, or Authorities of or belonging to or vested in the said *Manchester and Leeds* Railway Company.

Saving Rights of the Duke of Bridgewater's Trustees, and of Company of Proprietors of

LXXXV. Provided always, and be it enacted, That it shall not be lawful for the Mayor, Aldermen, and Burgesses, or the Council, or any other Person by their Authority, without Consent, to enter upon or interfere with any Canal or River Navigation of the Devisees of the late Duke of *Bridgewater*, their Heirs or Assigns, or of the Company of Proprietors of the *Mersey and Irwell* Navigation, or any Works connected therewith respectively; and that nothing herein

contained shall extend or be deemed or construed to extend to authorize directly or indirectly any such Interference, or to take away, diminish, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the said Devisees and Company respectively, under the Authority of any Act or Acts of Parliament or otherwise. the Mersey and Irwell Navigation.

LXXXVI. And whereas one of the said intended Reservoirs is proposed to be constructed alongside of the *Manchester, Sheffield, and Lincolnshire* Railway in the Parish of *Glossop*, so as to impound the Water upon the Embankment of the said Railway; be it enacted, That, for the Purpose of protecting the said Railway from Injury by or by reason of the said proposed Reservoir, the said Mayor, Aldermen, and Burgesses shall and they are hereby required to protect the same by Stone Walls, Breastworks, and otherwise in such Manner as shall be mutually approved of by the Engineer for the Time being of the said Mayor, Aldermen, and Burgesses and the Engineer for the Time being of the said *Manchester, Sheffield, and Lincolnshire* Company, or in case of Difference between them, then by an Engineer to be appointed by the Engineer of the said Mayor, Aldermen, and Burgesses and the Engineer of the said *Manchester, Sheffield, and Lincolnshire* Railway Company. Regulating Mode of making Reservoir adjoining the Manchester, Sheffield, and Lincolnshire Railway.

LXXXVII. And be it enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, in carrying into execution any of the Powers of this Act, to alter the Level of or to injure the said *Manchester, Sheffield, and Lincolnshire* Railway, or any of the Embankments or other Works thereof for the Time being, nor to interfere with, prevent, or in anywise impede the free, uninterrupted, and safe Passage upon, over, and along such Railway, and that it shall not be lawful for the said Mayor, Aldermen, and Burgesses to purchase any Part of the said Railway and Works, or any Land of the said *Manchester, Sheffield, and Lincolnshire* Railway Company, without the Consent in Writing of the said Company under their Common Seal first had and obtained: Provided that such Restriction not to purchase shall not prevent or interfere with the Execution of the Works by this Act authorized; and provided that all such Works, so far as they shall affect the said Railway and the Embankments and Works thereof, shall be executed in such Manner as shall be mutually approved of by the Engineers for the Time being of the said Railway Company and of the said Mayor, Aldermen, and Burgesses respectively, or in case of Difference between them, then by an Engineer to be appointed by such Two Engineers. For Protection of the Manchester, Sheffield, and Lincolnshire Railway Company.

LXXXVIII. And be it enacted, That any Pipe, Conduit, or Work which may be laid or constructed upon, under, or over the *Peak Forest* Canal, or any of the Land and Works appertaining thereto, shall be laid and constructed to the reasonable Satisfaction of the Engineer of the *Manchester, Sheffield, and Lincolnshire* Railway Company for the Time being; and it shall not be lawful for the said Mayor, Aldermen, and Burgesses, in carrying into execution the Powers of this Act, in any way whatever to alter the Line or Level of For Protection of the Peak Forest Canal.

of or to injure such Canal or any of the Works from Time to Time connected therewith, nor to interfere with, prevent, or in anywise impede the free, uninterrupted, and safe Passage upon, over, and along the same or any Part thereof.

Saving Rights of the Manchester, Sheffield, and Lincolnshire Railway Company.

LXXXIX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, alter, prejudice, or take away any of the Rights, Privileges, Franchises, Powers, or Authorities of or belonging to or vested in the said *Manchester, Sheffield, and Lincolnshire* Railway Company.

For Protection of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham.

XC. And be it enacted, That any Pipe, Conduit, or Work which may be laid or constructed upon, under, or over the Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, or any of the Land and Works appertaining to such Navigation, shall be laid and constructed to the reasonable Satisfaction of the Engineer for the Time being of the Company of Proprietors of the said Canal, or other the Owners for the Time being of the said Canal Navigation; and it shall not be lawful for the said Mayor, Aldermen, and Burgesses, in carrying into execution the Powers of this Act, in any way whatever to alter the Line or Level of or to injure such Canal Navigation or any of the Works from Time to Time connected therewith, nor to interfere with, prevent, or in anywise impede the free, uninterrupted, and safe Passage upon, over, and along the same or any Part thereof.

Saving Rights of the Proprietors of the Canal Navigation from Manchester to or near Ashton-under-Lyne and Oldham.

XCI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, alter, prejudice, or take away any of the Rights, Privileges, Franchises, Powers, or Authorities of or belonging to or vested in the Company of Proprietors of the said Canal Navigation from *Manchester* to or near *Ashton-under-Lyne* and *Oldham*, or other the Owners for the Time being of the said last-mentioned Canal Navigation.

Inhabitants, other than Occupiers, not to make Communication before Agreement for Supply of Water.

XCII. And be it enacted, That no Inhabitant of any Place within the Limits of this Act (except the Owner or Occupier of a Dwelling House or Part of a Dwelling House laying any Service Pipe for the Supply of Water to the same) shall make any Service Pipe to communicate with the Pipes of the Mayor, Aldermen, and Burgesses, except he shall have agreed with the Mayor, Aldermen, and Burgesses for a Supply of Water to his Building and Premises.

Rates at which Mayor, Aldermen, and Burgesses are to supply Water.

XCIII. And be it enacted, That the Mayor, Aldermen, and Burgesses shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House within Fifty Yards of any Main or other Water Pipe of the Mayor, Aldermen, and Burgesses a sufficient Supply of Water for the domestic Use of every such Occupier, at a Rate *per Centum per Annum* not exceeding Five Pounds upon the annual Rack Rent or Value of the Premises so supplied with Water: Provided nevertheless, that the Mayor, Aldermen, and Burgesses shall not be entitled to receive from any such Owner or Occupier more than the Sum of Ten Pounds in any One Year for such Supply, nor shall the Mayor, Aldermen,

Aldermen, and Burgesses be obliged to furnish such Supply to any Occupier for any less Sum than Eight Shillings in any One Year when paid in advance or Ten Shillings a Year when in arrear: Provided also, that a Supply of Water for domestic Purposes shall not include a Supply of Water for Baths, Horses, or Cattle, or for washing Carriages, or for any Trade or Business whatsoever.

Owners of Groups of Houses paying Rates in advance entitled to Discount.

XCIV. And be it enacted, That if the Owners of Groups of Dwelling Houses, being not less than Three in Number, and the net annual Value of which Dwelling Houses respectively shall be less than Ten Pounds, shall agree to pay and shall pay quarterly in advance the Water Rates in respect thereof, for a Term of not less than One Year, when and as such Rates shall become due, whether the same shall be occupied or unoccupied, such Owners shall be entitled to receive and shall receive from the said Mayor, Aldermen, and Burgesses at each Time of Payment a Discount or Drawback of not less than One Fifth Part of every Sum so paid in advance.

Valuation to be according to the Assessment to the Poor Rate.

XCV. And be it enacted, That such Water Rate shall be paid by the Owner or Occupier requesting the Supply of Water, and shall be payable according to the annual Value at which the Premises shall be assessed to the Poor's Rate, if the same shall be so assessed, or if not, according to the net annual Value of the Premises.

Water other than for domestic Purposes to be supplied by Agreement.

XCVI. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to supply any Person with Water for other than domestic Purposes, at such Rent and upon such Terms and Conditions as shall be agreed upon between the Mayor, Aldermen, and Burgesses and the Person desirous of having such Supply of Water.

Several Houses may be supplied with One Pipe.

XCVII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to consent and agree that several Houses or Parts of Houses in the Occupation of several Persons shall be supplied by One common Pipe.

Mayor, &c. to afford a Supply of Water by public Cisterns, Pumps, and for Baths and Wash-houses.

XCVIII. And be it enacted, That all existing public Cisterns, Pumps, Conduits, and other Works used for the gratuitous Supply of Water to the Inhabitants of the Borough shall be continued, supplied, and maintained with Water by the Mayor, Aldermen, and Burgesses, and shall be vested in them and be under their Management and Control; and it shall be lawful for the Mayor, Aldermen, and Burgesses to erect and place any Number of new Cisterns, Pumps, Conduits, Fountains, or other Waterworks for the Supply of Water to the Inhabitants of any Street, or of any Number of Houses, as they shall see fit, or to erect the same in any public Situation for the gratuitous Use of any Person who may choose to carry the same away for their own private Use, but not for Sale, and to supply with Water any public Baths or Wash-houses that may be established for the Use of the poorer Classes.

In case of Neglect by Mayor, &c.

XCIX. And be it enacted, That if after the Mayor, Aldermen, and Burgesses shall have begun to supply the Inhabitants of the Borough

to supply Water, Proportion of Rate to be deducted.

Borough with Water for domestic and other Purposes, the Mayor, Aldermen, and Burgesses shall refuse or neglect to furnish a sufficient Supply of Water for domestic and other Purposes to the Owner or Occupier of any House rated to the Water Rate, it shall be lawful for such Owner or Occupier to deduct from the Amount of such Rate a Sum proportionate to One Eighth Part of the Amount payable by him in each Quarter for every Two Days in succession during which such Neglect or Refusal shall continue after Notice in Writing shall have been given to the Mayor, Aldermen, and Burgesses of the Want of such Supply, unless the Want of such Supply shall arise from Frost, great Drought, or other unavoidable Cause or Accident.

Recovery of Rents for Water supplied for Manufactures, &c.

C. And be it enacted, That if any Person supplied with Water by the Council for the Purposes of Manufactures, or for any other Purposes (not being domestic Purposes), shall neglect to pay any Water Rate or Rent due to them at any of the said Times of Payment thereof, it shall be lawful for the Mayor, Aldermen, and Burgesses, or their Lessee, to stop the Water from flowing into the Premises of such Person, by cutting off the Service Pipe to such Premises, or by such Means as the Mayor, Aldermen, and Burgesses or their Lessee shall think fit, and to recover the Rate or Rent due from such Person, if less than Twenty Pounds, together with the Expences of cutting off the Water and Costs of recovering the same, by the same Means as any Damages for the Recovery of which no special Provision is contained in this Act are hereby directed to be recovered, or if the Rate or Rent so due shall amount to Twenty Pounds or upwards, it shall be lawful for the Mayor, Aldermen, and Burgesses to recover the same, together with the Expences of cutting off the Water, in any of the Superior Courts, or other Court having Jurisdiction, by Action of Debt or on the Case.

Persons supplying Gas to be liable to Indictment for Nuisance.

CI. And be it enacted, That nothing in this Act contained shall prevent any Person or Company making or supplying Gas from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which he or they may be liable in consequence of making or supplying such Gas.

Proof of Debts in Bankruptcy.

CII. And be it enacted, That if any Person against whom the Mayor, Aldermen, and Burgesses have any Claim or Demand shall become bankrupt, or shall take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Town Clerk, in all Proceedings against the Estate of such Bankrupt or Insolvent, or under any Fiat, Sequestration, or Act of Insolvency against such Bankrupt or Insolvent, to represent the Mayor, Aldermen, and Burgesses, and act in their Behalf, in all respects as if such Claim or Demand had been the Claim or Demand of such Town Clerk, and not of the Mayor, Aldermen, and Burgesses.

Release to Witnesses.

CIII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for the Town Clerk to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Mayor, Aldermen, and Burgesses to give Evidence as a Witness; and

and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Lands or Tenements not wanted may be sold.

CIV. And be it enacted, That the Mayor, Aldermen, and Burgesses may sell and dispose of any Lands or Tenements vested in them by virtue of this Act, or acquired by them under the Powers of Purchase herein contained or any Part thereof respectively, either together or in Parcels, as they may find most convenient and advantageous, to such Persons as may be willing to contract for and purchase the same; and the Money to arise and be produced by such Sale shall be applied to such of the Purposes of this Act as the Mayor, Aldermen, and Burgesses shall think fit, and the Purchasers of such Lands or Tenements shall not be answerable or accountable for any Misapplication or Nonapplication of such Purchase Money; and for the completing and carrying any such Sale into effect the Mayor, Aldermen, and Burgesses may make and execute a Conveyance of the Lands and Tenements sold and disposed of as aforesaid unto the Purchasers thereof, and such Conveyance shall be under the Common Seal of the Mayor, Aldermen, and Burgesses.

Power to Borough of Salford to purchase from Borough of Manchester Mains and Pipes laid down in Borough of Salford.

CV. And be it enacted, That in case the Mayor, Aldermen, and Burgesses of the Borough of *Salford* shall at any Time hereafter under and by virtue of any Act of Parliament be authorized and empowered to purchase in bulk and to distribute Water for domestic, public, and other Purposes throughout the Municipal Borough of *Salford*, and in consideration of their so purchasing and distributing Water to make and levy compulsory Rates within and upon the said Borough of *Salford*, it shall be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Manchester*, and they are hereby required, within Six Months Time after the Service upon them of a Notice in Writing, signed by the Town Clerk of the Borough of *Salford*, to sell and transfer to the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, at such a Price as shall be mutually agreed upon by and between the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* and the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, or, in case of Disagreement respecting the Price, at such Price as shall be determined by Arbitration under "The Lands Clauses Consolidation Act, 1845," all the Estate and Interest of the said Mayor, Aldermen, and Burgesses of the Borough of *Manchester* of and in the whole of the Mains, Pipes, and other Works and Stock in Trade which shall be laid down or shall be situate, lying, or being within the Borough of *Salford*, and which shall belong to or be vested in the said Mayor, Aldermen, and Burgesses of the Borough of *Manchester* at the Time of such Sale and Transfer.

Nature of Supply and Price of Water.

CVI. And be it enacted, That from and after such Sale and Transfer of the Mains, Pipes, Works, and Stock in Trade as before mentioned all the Water so supplied as aforesaid to the Mayor, Aldermen, and Burgesses of the Borough of *Salford* shall be supplied from Day to Day in bulk and at High Pressure, and shall be of the same Quality as the Water which from Time to Time shall be distributed in the Borough of *Manchester* by the Mayor, Aldermen, and Burgesses thereof, and shall be

be sold to the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, at a Price to be mutually agreed upon, not exceeding Threepence *per* Thousand Gallons, or at such lower Price as shall be determined by any Arbitrator whom the Commissioners of Her Majesty's Board of Trade, or any other public Board who may be authorized in that Behalf, shall appoint.

If Pipes sold to Borough of Salford, such Borough bound to purchase, and Borough of Manchester bound to sell, certain Quantities of Water.

CVII. Provided also, and be it enacted, That from and after such Sale and Transfer as last aforesaid the Mayor, Aldermen, and Burgesses of the Borough of *Salford* shall be and they are hereby required to take and purchase from the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* One million Gallons of Water for each and every Day, and the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* shall be and they are hereby required to supply and sell to the Mayor, Aldermen, and Burgesses of the Borough of *Salford* the said Million Gallons *per* Day, and also from Time to Time at the Expiration of One Month after the Service upon them of a Notice in Writing signed by the Town Clerk of the Borough of *Salford* such additional Quantity of Water as, inclusive of the said Million Gallons, shall not exceed Two million Gallons *per* Day, and as the Mayor, Aldermen, and Burgesses of the Borough of *Salford* shall specify and demand in their said Notice.

In case any public Body obtain Power to distribute Water for domestic and other Purposes throughout Pendleton and Broughton, such Body to be subject to the same Liabilities as the Mayor, &c.

CVIII. And be it enacted, That in case any public Body shall at any Time hereafter, under and by virtue of any Act of Parliament, be authorized and empowered to purchase in bulk and to distribute Water for domestic, public, and other Purposes throughout the Townships of *Pendleton* and *Broughton*, or either of them, and in consideration thereof to make and levy compulsory Rates within and upon the said Townships or either of them, such public Body shall enjoy Rights, Powers, and Privileges, and incur Liabilities respecting the Purchase of the Mains, Pipes, Works, and Stock in Trade of and belonging to the Mayor, Aldermen, and Burgesses of the Borough of *Manchester*, situate, lying, and being within the said respective Townships or either of them (except only the Reservoirs to be constructed at *Pendleton* and *Kersal Moor*, and the Works connected therewith), and also respecting the Supply of Water in bulk to and the Price to be paid for the same by the said public Body within the said respective Townships or either of them, similar in all respects to the Rights, Powers, Privileges, and Liabilities which are respectively enjoyed and incurred by the Mayor, Aldermen, and Burgesses of the Borough of *Salford* under and by virtue of the Provisions herein-before contained: Provided always, that the Quantity of Water to be supplied to such public Body as aforesaid by the said Mayor, Aldermen, and Burgesses of the Borough of *Manchester* shall from Time to Time be fixed and determined by mutual Agreement.

Rates of Charge for Water supplied for watering Streets and flushing Sewers.

CIX. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby required, to supply the Mayor, Aldermen, and Burgesses of the Borough of *Salford*, the Surveyors of Highways, and the Trustees, Commissioners, or other Persons having the Control or Management of Roads and Streets within

within the Limits of this Act, with such Quantities of Water from Time to Time as they shall respectively require for the Purposes of watering or cleansing the Roads or Streets, or of flushing or cleansing the Sewers under their respective Control, at a Price to be mutually agreed upon, not exceeding Eight-pence *per* Thousand Gallons, or at such lower Price as shall be determined by any Arbitrator whom the Commissioners of Her Majesty's Board of Trade shall and they are hereby authorized to appoint for that Purpose.

Mayor, &c. to fix the Amount of Water Rate.

CX. And be it enacted, That the Mayor, Aldermen, and Burgesses shall and they are hereby authorized and required, once in each Year, to estimate and fix the Amount of Money necessary to be levied for the Purpose of defraying the current Costs, Charges, and Expences of supplying the Borough with Water, under which shall be understood to be comprehended the Payment of the Interest of any Money borrowed on the Credit of the Water Rates, as well as any Sum of Money which the Mayor, Aldermen, and Burgesses shall think fit to appropriate, set apart, and apply each Year, as and for a Sinking Fund for paying off and discharging any Principal Monies so borrowed and secured, also the Expence of Reservoirs, Engines, Machinery, and other Works to be purchased or erected as herein-before provided, together with the Expence of providing and preserving Springs, and otherwise obtaining and distributing Supplies of Water to the Inhabitants of the Borough, and such Portions of the Salaries, Wages, and other Expences of any Engineers, Surveyors, Clerks, Collectors, or other Officers or Servants employed by them, as the Mayor, Aldermen, and Burgesses shall think equitable and fair to charge to such Account, also the Rent (if any) agreed to be paid to any Water Company, or other Company or Person, for the Use of their Waterworks and Water, and all other Charges and Expences attendant upon procuring and distributing a Supply of Water for the Use of the Inhabitants of the Borough, and for other the Purposes authorized and required by this Act.

Council to make a Water Rate on the Occupiers of Dwelling Houses, &c. to be called "The Domestic Water Rate;"

also a "public Water Rate" on Owners of all Houses, &c., within the Borough.

CXI. And in order to raise a Sum of Money sufficient to defray the Costs, Charges, and Expences of supplying the Borough with Water under the Provisions of this Act, either from the Works hereby authorized to be purchased and formed, or from any other Works to be constructed by the Mayor, Aldermen, and Burgesses, and connected therewith, under the Authority of any other Act of Parliament, be it enacted, That it shall be lawful for the Council, once in every Year, to cause a Rate, to be called "The Domestic Water Rate," to be made and levied upon the Occupiers of all Dwelling Houses and Shops and Buildings used as Dwelling Houses, and of the several Gardens or Land thereunto respectively belonging, within the Borough, according to the full net annual Value thereof, and in like Manner, once in every Year, to cause a Rate, to be called "The Public Water Rate," to be made and levied upon the Owners of all Dwelling Houses, Shops, Warehouses, Counting-houses, Coach-houses, Stables, Cellars, Vaults, Buildings, Workshops, Mills, and Manufactories, and of the several Gardens, Yards, or Lands thereunto belonging, and of all other Yards, Gardens, Tenements, and Hereditaments within the Borough (except as herein-after mentioned,) according to the full net

annual Value thereof, and in like Manner upon the Owners of any Garden not attached to or occupied with a Dwelling House, and of all Arable, Meadow, or Pasture Land within the Borough, according to One Fourth Part only of such net annual Value thereof respectively; and the said several Rates, to be called "The Domestic Water Rate," and "The Public Water Rate," shall from Time to Time be collected and paid by yearly, half-yearly, or quarterly Payments, or at shorter Periods, as the Council shall think proper, and shall commence from the Time when the Council shall begin to supply Water for domestic Purposes within the Borough under the Provisions of this Act, or from such Time thereafter as the Council shall appoint: Provided always, that no Person who shall be the Occupier or Owner of any Dwelling House, Shop, Warehouse, Counting-house, Coach-house, Stable, Cellar, Vault, Building, Workshop, Mill, or Manufactory shall be liable to be rated to either of the said Rates in a greater Proportion than according to One Fourth Part only of such net annual Value thereof, unless the Mains or other Pipes of the Mayor, Aldermen, and Burgesses shall be laid down and properly supplied with Water within Fifty Feet from the outer Wall of such Premises.

Churches, Chapels, Schools, &c. not to be rated.

CXII. Provided always, and be it enacted, That no Person shall be rated to any Rate whatever made in pursuance of this Act in respect of any Church, Chapel, or other Building exclusively used for Public Worship, or in respect of any Rent-charge in lieu of rectorial or vicarial Tithes, or any Composition in lieu of any such Rent-charge, or in respect of any Building exclusively used for the gratuitous Education of the Poor, or in respect of any Land, Building, or other Property belonging to the Mayor, Aldermen, and Burgesses.

Value of Property to be according to Poor Rate.

CXIII. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor within the several Parishes, Townships, Districts, and Places within the Borough, except in such Cases as are herein-after mentioned.

Power for Mayor, &c. to inspect Parish Rate Books.

CXIV. And in order to assist the Council in making the Rates hereby authorized, be it enacted, That the Mayor, Aldermen, and Burgesses shall and may and they are hereby authorized and empowered to cause all or any of the Books or Assessments of Rates towards the Relief of the Poor within any Parish, Township, District, or Place within the Borough to be produced before them, and to cause a Copy of such Books or Assessments, or of any Part thereof, to be taken without Fee or Reward; and if any Person in whose Custody or Power any of the said Books or Assessments shall be shall refuse or neglect to attend the Council with such Books or Assessments, or to permit or suffer the Council to take or cause to be taken a Copy thereof, then and in every such Case such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds.

Power to levy Rates in respect of

CXV. And be it enacted, That if any Lands rateable under this Act shall be occupied, or any House or Building shall be erected and occupied

occupied within any Township or Place within the Borough after the Rate shall have been made for the Relief of the Poor within such Township or Place, or shall have been omitted from any such Rate, it shall be lawful for the Council to cause a Valuation to be made of the annual Rent or Value of such Lands, House, or Building respectively, and to cause the same Rates or Assessments to be made upon the Owner or Occupier thereof as they could have done if such Land, House, and Building had been rated or assessed to the Rate for the Relief of the Poor: Provided always, that if at any Time the Rate for the Relief of the Poor within the Borough, or within any Township or Place within the Borough, shall in the Judgment of the Council be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all or any Part of the rateable Property within the Borough by some competent Person to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Council upon the Property as Value for the Purposes of this Act shall be made upon such Valuation.

Property not included in the Poor Rates.

If Poor Rates an unfair Criterion, a Valuation to be made.

CXVI. And be it enacted, That before any such Valuation shall be made the Person appointed to make any such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment, and an Entry or Minute shall be made in the Book of Proceedings of the Council of the making and subscribing of such Declaration, and the Date of making the same, and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Valuer to make a Declaration.

CXVII. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Net annual Value of Property to be rated.

CXVIII. And be it enacted, That the Books of the Mayor, Aldermen, and Burgesses, or of the Council, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rate Books to be Evidence.

CXIX. And be it enacted, That it shall and may be lawful for the Council to make any Rate for the Purposes aforesaid, prospectively to raise Money to pay Charges and Expences to be incurred thereafter, or retrospectively to raise Money to pay Charges and Expences already incurred.

Rates may be prospective or retrospective.

CXX. And be it enacted, That when any Premises in respect of which any Person may be liable to be assessed to "The Domestic Water Rate" under the Provisions of this Act shall at the Time of making any such Rates be unoccupied, then and in every such Case it shall be lawful for the Council to include such Premises in the said Rate, describing them in the Column in the said Rate appropriated to the Name of Occupier as being "void;" and if any Person shall afterwards occupy such Property during any Part of the Period for which such

Unoccupied Premises may be included in the Water Rates, but the Rates are not to be collected unless the Premises are afterwards occupied.

such Rate shall have been made, it shall be lawful for the Council to insert in such Rate the Name of such Occupier, and to collect from such Occupier, or from the Owner if he shall be liable to pay the same, such Proportion of the said Rates as shall be proportioned to the Time during which such Person shall occupy such Property, and every such Person shall thereupon be deemed, to all Intents and Purposes, to be properly rated, and all such Rates may be collected and recovered from the Person who shall be liable to pay the same under the Provisions of this Act, in the same Manner as other Rates made payable under the Provisions of this Act: Provided always, that any such Person whose Name shall be so inserted in such Rate, and such Owner as last aforesaid, may appeal against the same to the Council, or to the General Quarter Sessions which shall be holden next after such Insertion of his Name as aforesaid: Provided also, that, except as aforesaid, no Domestic Water Rate shall be payable by any Person whatsoever in respect of unoccupied Premises.

Power to rate the Owners of Houses in certain Cases.

CXXI. And be it enacted, That in all Cases in which any House, Warehouse, or other Building or Tenement now or hereafter to be erected, built, or situate within the Borough shall be let out either wholly or in part in Lodgings or in separate Rooms or Apartments, whether furnished or unfurnished, or when the annual Value of the Premises rated shall not exceed Ten Pounds, then and in every such Case it shall be lawful for the Council, in or by any Rate or Assessment to be made by virtue of this Act, at their Discretion to rate and assess the Owner of every or any such House, Warehouse, or other Building or Tenement, instead of the actual Occupier thereof; and upon Nonpayment of the Sum so to be assessed, the same may and shall be levied upon, and the Payment thereof to be enforced against, the Owner so to be assessed, his Goods and Chattels, in like Manner as any Rate made for the Purpose of this Act may be recovered and levied and Payment thereof enforced under the Authority of this Act upon and against any actual Occupier to whom the same is charged.

Owner may be rated without stating his Name.

CXXII. And be it enacted, That whenever the Name of any Owner liable to be rated under the Provisions of this Act shall not be known to the Council or to the Person making any Rate, it shall be sufficient to rate such Owner in the Rate Book of the Council as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Notice of Rate to be given.

CXXIII. And be it enacted, That Notice of the Intention of making every Rate authorized to be made under the Provisions of this Act, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Council by Placards to be posted up in some public Places and circulated within the Borough immediately previous to such Rate being made, or as nearly as may be: Provided always, that it shall not be necessary in any Proceedings to levy and recover such Rate to prove that such Notice as aforesaid was given.

CXXIV. And

Form of Rate.

CXXIV. And be it enacted, That every Rate made under the Authority of this Act shall be fairly transcribed in a Book to be kept for that Purpose, and shall contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule (A.) to this Act annexed, so far as the same can be ascertained, and every such Rate or Assessment shall be signed by the Town Clerk, and every such Rate shall be vested in the Mayor, Aldermen, and Burgesses, and shall be payable at such Times as the Council shall order and direct.

Rate to be open to Inspection of Rate-payers.

CXXV. And be it enacted, That immediately after any Rate shall be made under the Provisions of this Act the same shall be open to the Inspection of any Person rated or otherwise interested in such Rate at all seasonable Times, and any such Person may take Copies of or Extracts from such Rate without paying any thing for the same, and if the Person having the Custody of such Rate shall refuse or shall not permit any such Person as aforesaid to take Copies of or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Power for Council to amend Rates.

CXXVI. And be it enacted, That it shall be lawful for the Council from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by increasing or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such conformable to this Act, and no such Amendments shall be held to avoid the Rate: Provided always, that any Person who shall feel aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate and no such Alteration had been made, and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Council may excuse Persons on account of Poverty from Payment of Rates, or a Proportion thereof.

CXXVII. And be it enacted, That it shall be lawful for the Council from Time to Time to appoint One or more of their own Body to hear and determine all Appeals which shall be made against the Payment of any Rate on the Ground of Poverty, and that it shall be lawful for the Councillor so appointed as aforesaid to summon before him, by Summons signed by himself, any Person who may be in arrear in Payment of any Monies due, or any Rate or Assessment made by virtue of this Act; and if it shall be made to appear to the Satisfaction of the Council, or of any One of the Council so appointed, that any Person rated or assessed to any Rate to be made under the Authority of this Act is unable through Poverty to pay the Amount of the Rate or Assessment upon him, it shall be lawful for such Councillor to order and direct that such Person shall be wholly excused from the Payment of such Rate or Assessment, or from the proportionate Part thereof, as to him may seem proper; and the Sum at which such Person may have been so rated or

assessed, or such proportionate Part of the same, from the Payment of which such Person may be so excused as aforesaid, shall not be collected, nor shall any Person be charged therewith, or in any Manner be called upon or be liable to account for the same, except as herein-before mentioned.

Persons aggrieved by Inequality of Rate may appeal to the Council.

CXXVIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, he may appeal to the Council at their first Meeting which shall be holden after the Expiration of Seven Days from the Time of demanding such Rate or Assessment, and the Council, at their first Meeting or any Adjournment thereof, are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them the Council shall seem reasonable.

Parties may appeal to the Quarter Sessions against a Rate.

CXXIX. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Council, he may appeal to the next General or Quarter Sessions, but no such Appeal against such Rate or any Matter contained or omitted from the same, or against the Determination of the Council, shall be entertained at such General or Quarter Sessions, unless Fourteen clear Days Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given by the aggrieved Party to the Council, but the same shall be adjourned to the next General or Quarter Sessions, nor shall any Appeal against the Determination of the Council be entertained, unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof to the Party in whose Favour such Determination shall have been made, and shall in either Case, within Five Days after such Notice, enter into a Recognizance before some Justice with sufficient Sureties conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions or any Adjournment thereof.

Quarter Sessions to make such Order as they think reasonable.

CXXX. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given, the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Council or Quarter Sessions may amend Rate without quashing it.

CXXXI. And be it enacted, That in any Appeal against any Rate made under the Authority of the Act the Council or the Court of Quarter Sessions shall and may amend such Rate in such Manner as may be necessary for giving Relief without quashing or altering such Rate with respect to other Persons mentioned therein, but if upon Appeal

Appeal against the whole Rate it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for the Council or the Court of Quarter Sessions to order a new Rate to be made in manner herein directed.

Quarter Sessions on Appeal may award Costs.

CXXXII. And be it enacted, That the Court of Quarter Sessions shall in any Appeal against any Rate made under the Authority of this Act, or against the Determination of the Council, have the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in such Courts for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within the Borough.

Liability to Rates not to disqualify certain Officers and Councillors to be competent Witnesses.

CXXXIII. And be it enacted, That no Person, though liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be disabled to act as a Justice of the Peace, or as Coroner, Juror, or otherwise, in any Manner relating to the carrying of this Act into execution, nor shall any Member of the Council be deemed to be an incompetent Witness in any Action, Suit, or Proceeding under this Act by reason of his being a Party in or to any such Action, Suit, or Proceeding.

Rates may be recovered by Action or Distress.

CXXXIV. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Council or their Collector, it shall be lawful for the Mayor, Aldermen, and Burgesses to recover the same by Action of Debt in any of the Superior Courts, or any other Court whatever having Jurisdiction there over Debts to the Amount sought to be recovered, or any Justice shall, on the Application of the Council or of their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rate due from him should not be paid, and in case no sufficient Cause for the Nonpayment of such Rate shall be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CXXXV. And be it enacted, That the Warrants of Distress for the Recovery of any Rate made payable by this Act may include any Person or several Persons, and may be in the Form or to the Effect mentioned in the Schedule (B.) to this Act annexed, and in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of Rates, aid in making a Distress or Sale pursuant to such Warrant, and every such Constable who shall refuse so to do shall be liable to a Penalty not exceeding Five Pounds.

Persons about to quit liable to pay Rates on Demand.

CXXXVI. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Council or their Collector on Demand, it shall be lawful for any Justice having Jurisdiction where such Person may reside or his

his Goods be found to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid, and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned.

CXXXVII. And be it enacted, That when any Water Rate shall be made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion of such Rate only, payable for the whole of such Period proportionable to the Time during which he continued to be the Owner or Occupier, and in every such Case, if any Person shall become the Owner and Occupier of any Property so rated as aforesaid during any Part of any Period for which any such Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated, and the same shall be recovered from him in the same Manner as if he had been originally rated for such Property.

Rates due from Owner may be recovered from the Occupier to the Extent of Rent due.

CXXXVIII. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall remain unpaid for the Space of Three Months, it shall be lawful for the Mayor, Aldermen, and Burgesses, or their Collector, to recover the Amount of such Rate from the Occupier of such rateable Property by Distress and Sale of his Goods and Chattels in like Manner as Rates may be recovered from the Occupiers of any Property liable to be rated: Provided always, that no Occupier shall be required to pay nor shall his Goods and Chattels be distrained for any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Amount of Rate, or which shall after such Demand and Notice not to pay the same to his Landlord at any Time accrue and become payable by him, unless h eshall refuse, on Application being made to him for that Purpose by or on behalf of the Council, truly to disclose the Amount of his Rent, and the Name and Address of such Person to whom such Rent is payable, but the Burden of the Proof that the Sum demanded from any such Occupier is greater than the Rent which was due by him at the Time of such Notice, or which shall have since accrued, shall be upon such Occupier.

Penalty on Occupier refusing to give the Name of Owner.

CXXXIX. And be it enacted, That if on the Request of the Council, or of the Collector of the said Rates, the Occupier of any Property shall refuse or wilfully omit to disclose, or shall wilfully mis-state to the Council or Collector making such Request, the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice, on Oath made before him of such Request and of such Refusal or wilful Omission or Mis-statement, to summon the Person who shall have refused or wilfully omitted or mis-stated as aforesaid to appear at the Time and Place mentioned in such Summons before such Justice, or

before some other Justice; and if the Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in the Summons, or if he shall attend and not show good Cause to the Justice then present for such his Refusal or wilful Omission or Mis-statement, it shall be lawful for such Justice, upon Proof (in case of the Neglect or Refusal to attend as aforesaid) of the due Service of the said Summons, to impose a Penalty upon such Person who shall have so refused or wilfully omitted, or have made such wilful Mis-statement, not exceeding the Sum of Five Pounds.

Occupier may recover Money paid for Rates due from Owner, or deduct the Amount from the Rent.

CXL. And be it enacted, That if the Amount of any Rate which under the Provisions of this Act ought to be borne and paid by the Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, then the Person who shall be the Owner of such Property at the Time of such Payment or Levy shall reimburse the Occupier, and it shall be lawful for the Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any) paid by him for any Rent due or to become due from him in respect of such Property, and the Payment shall be a good and sufficient Discharge for such Occupier against such Owner for so much Money as he shall have paid in the Manner directed by this Act, or shall have sustained the Loss of by reason of any Distress made under this Act, or such Occupier may recover the same from such Owner as aforesaid, by Action of Debt or on the Case, to be brought in any Superior Court, or in any Court whatsoever having Jurisdiction.

Water Rate paid by Owners may be recovered from certain Tenants.

CXLI. Provided always, and be it enacted, That when any Owner shall be rated to the Water Rate in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the Period when this Act shall commence, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any such Rates made under the Provisions of this Act during the Continuance of such Lease or Agreement, unless it shall have been agreed by the Terms of such Lease or Agreement as aforesaid that the Owner should pay such Rates in respect of such Property, and every such Sum of Money payable by the Tenant to the Owner under the Provision herein-before contained may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Council may make Arrangements for lessening the Expence of collecting Rates.

CXLII. And for the more convenient and economical Collection of the several Rates and Assessments which may from Time to Time be made and levied within the Borough, or within any District therein, as well under this Act as under any other Act, or otherwise, be it enacted, That it shall be lawful for the Council from Time to Time to agree and determine with any other Officers having the Charge and Application of such respective Rates and Assessments for the Purpose of collecting the same, in such Manner and Form as the Council and such Officers respectively shall mutually determine, with the Object of facilitating the Collection thereof in the most satisfactory and economical Manner.

Power to borrow Money on Mortgage.

CXLIII. And be it enacted, That it shall be lawful for the Council, for the Purposes of this Act, from Time to Time to borrow at Interest any Sum of Money which together with any Sum previously borrowed under the Authority of this Act shall not exceed the Sum of Six hundred and fifty thousand Pounds, on the Credit of the Borough Rate, or of any Property vested in or belonging to the Mayor, Aldermen, and Burgesses, or which may be required by them under or by virtue of this Act, or of the Rates and Rents to be levied, raised, and paid, under the Authority of this Act, or otherwise howsoever, and in the event of all or any Part of such Monies being repaid by the Council, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid, under the Authority of this Act, any more than the said Sum of Six hundred and fifty thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so to be borrowed, with Interest, the Mayor, Aldermen, and Burgesses may assign over the Borough Rate, or the Rates and Rents to be levied and taken under the Provisions of this Act, or may charge and mortgage the said Property or any Part thereof to the Person who shall advance or lend such Money, or his Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

CXLIV. And be it enacted, That every such Assignment or Mortgage to be made under the Provisions of this Act shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Common Seal of the Mayor, Aldermen, and Burgesses, and may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

CXLV. And be it enacted, That all Persons to whom such Assignments or Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the Borough Rate, or the Property which may be included in such Assignments or Mortgages, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Assignments or Mortgages respectively, and the Principal Monies and Interest secured by such Assignments or Mortgages shall be provided for and paid by the Council in the same Manner in all respects as all other Debts and Expences incurred by Municipal Corporations are by Law directed to be levied, raised, and paid.

Council may raise Money by Annuity.

CXLVI. And be it enacted, That it shall be lawful for the Council, if they shall think fit, to raise all or any Part of the Money to be borrowed for the Purposes of this Act, by granting Annuities on Lives instead of Assignments or Mortgages as aforesaid, and for that Purpose the Council may charge the Borough Rate, or the Property by this Act authorized to be made a Security of Money borrowed, with an Annuity or Annuities, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Council any Sum of Money for the Purchase of the same.

CXLVII. And

Form of Grant of Annuity.

CXLVII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Mayor, Aldermen, and Burgesses, and may be in the Form in Schedule (D.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

CXLVIII. And be it enacted, That for preventing any improvident Grants of Annuities the Price to be paid for any such Annuity shall not be less than the Price payable by Law for a similar Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

CXLIX. And be it enacted, That every Annuity so granted as aforesaid shall have Priority after any Mortgages or Assignments granted under this Act, and shall be provided for and paid by the Council in the same Manner in all respects as other Debts and Expences incurred by Municipal Corporations are by Law directed or authorized to be levied, raised, and paid.

Expences of Mortgages.

CL. And be it enacted, That the Expences of every Assignment, Mortgage, and Grant of Annuity, and all other Expences incident to the carrying this Act and the several Powers and Authorities herein contained into execution, shall from Time to Time be provided for and paid by the Council in the same Manner in all respects as other Debts and Expences incurred by Municipal Corporations are by Law directed or authorized to be levied, raised, and paid.

Registers of Mortgages to be kept, and to be open to Inspection.

CLI. And be it enacted, That a Register of such Mortgages, Assignments, and Annuities shall be kept by the Town Clerk, and within Fourteen Days after the Date of any such Mortgage, Assignment, or Annuity an Entry or Memorial specifying the Number and Date thereof, and the Sum secured or the Annuity granted thereby, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Mortgagee or Accountant, or by any Person interested in any such Mortgage or Annuity, without Fee or Reward.

Transfer of Mortgages and Annuities.

CLII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage, Assignment, or Annuity may transfer his Right and Interest therein to any other Person, and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (E.) to this Act annexed, or to the like Effect.

Registers of Transfers to be kept.

CLIII. And be it enacted, That within Thirty Days after the Date of every such Transfer if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Town Clerk, and thereupon the Town Clerk shall cause an Entry or Memorial thereof to be made in the proper Registry, in the same Manner as in the Case of the original

original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings, and no more; and after such Entry every such Transfer shall entitle the Transferee, his Executors and Administrators, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

CLIV. And be it enacted, That, unless otherwise provided by any such Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto out of the Rate or Assessment or other Funds or Property on the Credit of which such Money shall have been borrowed.

Power to take up Money at a less Rate of Interest.

CLV. And be it enacted, That if the Council can at any Time borrow or take up at Interest any Sum of Money for the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the said respective Rates and other Monies and Property by this Act authorized to be made a Security for Money borrowed, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of paying off Mortgages.

CLVI. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and so often as the Council shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written on distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form and put into a Box, and the Town Clerk shall, in the Presence of Five or more of the Council, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Council; and after every such Ballot the Council shall cause a Notice, signed by the Town Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum so to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand pursuant to such Notice, but such Principal Money, and the

the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Council may fix Time for Repayment of Monies borrowed on Mortgage.

CLVII. And be it enacted, That it shall be lawful for the Council in any Mortgage to be granted by the Mayor, Aldermen, and Burgesses under the Authority of this Act to fix a Time for the Repayment, either in One Sum or by Instalments, of the Principal Sum secured by such Mortgage, in which the Time for the Repayment of the Principal Money thereby secured shall be fixed either in One Sum or by Instalments, such Principal Sum shall be paid by the Council at the Time or Times and in the Manner in such Mortgage appointed for Payment thereof.

Portion of Sinking Fund may be set aside for paying off same.

CLVIII. And be it enacted, That if the Council shall in any Mortgage to be granted under the Authority of this Act fix a Time or Times for the Repayment of the Principal Sum secured by such Mortgage, then and in every such Case it shall be lawful for the Council, instead of appropriating annually the whole or any Part of the Sinking Fund by this Act directed to be formed for paying off the Monies borrowed under the Authority of this Act, to set aside and retain such Sums of Money annually as the Council shall think proper for the Purpose of forming a Fund to pay off the Sums secured by such Mortgages at the Time appointed for the Payment thereof.

Monies so set aside to be invested, and Interest applied in Payment of Interest on Mortgages.

CLIX. And be it enacted, That in the meantime and until any Sum or Sums of Money which shall be so set aside for the Purpose of paying off any Mortgages which may be made payable at fixed Periods shall be required for such Purposes, it shall be lawful for the Council to invest such Sum or Sums of Money in the Public Funds or on Government Security, in the Names of the Mayor, Aldermen, and Burgesses, and from Time to Time to vary and alter the same, and to receive the Dividends and Interest of the Monies so invested when and as the same shall become due, and from Time to Time to apply the same in Payment, so far as the same shall extend, of the Interest due or to become due on any such Mortgages for securing Monies raised for the same Purposes.

If at the Time fixed for Payment of Mortgages the Sums set aside are not sufficient, Council may borrow Money on Mortgage for the Purpose.

CLX. And be it enacted, That if at the Time in any Mortgage appointed for the Payment of the Principal Money thereby secured the Sum of Money which may have been set aside and invested for the Purpose of paying off the same shall be insufficient for the Purpose, it shall be lawful for the Council to borrow such Sum of Money as they shall think proper, for the Purpose of paying off the whole or any Part of the Principal Monies secured by such Mortgage, and at such Rate of Interest not exceeding Five Pounds *per Centum per Annum* for the same as the Council shall think expedient, and to charge the Borough Rate and Property or Water Rates and Rents comprised in the Mortgage so paid off or to be paid off as aforesaid with Payment of such Sum at such Rate of Interest as aforesaid, in such Manner and subject to such Regulations as are in this Act con-

tained with respect to other Monies borrowed on Mortgage of the same Rate, Property, or Water Rates or Rents.

A Sinking Fund to be formed to pay off Monies borrowed under the Authority of this Act.

CLXI. And be it enacted, That for the Purpose of providing a Fund for paying off the Principal Monies for the Time being by virtue of any Mortgage granted in pursuance of this Act charged upon and owing on the Credit of the Borough Rate, or of any Property vested in or belonging to the Mayor, Aldermen, and Burgesses, or which may be acquired by them under this Act, or of the Water Rates and Rents to be levied under the Authority of this Act, the Council shall, once in every Year, out of the said Borough Rate and Water Rates and Rents, or some or one of them, set aside such Sum as they shall think proper, not being more than Five Pounds *per Centum* on the Amount of the Principal Monies borrowed under the Authority of this Act; and the Sum so from Time to Time to be set aside, and also all other Monies which shall be applied by the Council in augmentation of the said Fund, shall be applied in the Manner herein directed in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate or Property, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Names of the Mayor, Aldermen, and Burgesses; and the Dividends and Interest of the Monies so invested, when and as the same shall become due, shall be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest, and when such accumulated Fund shall amount to a Sum which, in the Opinion of the Council, can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same shall be invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale and Conversion shall be applied in the Manner by this Act directed in Payment, so far as the same will extend, of the Principal Monies charged upon and owing on the Credit of the said Rate or Property, and so from Time to Time until the whole of the said Principal Monies shall have been discharged.

Limits of the Act.

CLXII. And be it enacted, That the Limits of this Act, until the Purchase of the *Manchester and Salford* Waterworks shall be completed, shall be the several Places following; that is to say, the District or Places included within the Municipal Borough of *Manchester*, also *Crumpsall*, *Haughton*, and *Reddish*, in the Parish of *Manchester*, *Worsley*, *Barton-upon-Irwell*, and *Eccles*, in the Parish of *Eccles*, *Prestwich* in the Parish of *Prestwich-cum-Oldham*, all in the County of *Lancaster*, and *Hyde* in the Parish of *Stockport*, and *Mottram*, *Godley*, and *Newton*, in the Parish of *Mottram-en-Longdendale*, all in the County of *Chester*; and as soon as the Purchase of the said Waterworks shall be completed, the Limits of this Act shall be extended by including therein the District and Places which the Company of Proprietors of the *Manchester and Salford* Waterworks are by the said herein-before recited Acts relating to the said Company authorized or enabled to supply with Water.

CLXIII. And

Nothing to affect Power of Council to make Bye Laws.

CLXIII. And be it enacted, That nothing herein contained shall prejudice or affect the Power of the Council to make Bye Laws under the Act or Acts to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

Commencement of Act.

CLXIV. And be it enacted, That this Act shall commence and come into operation on the Second *Tuesday* next after the passing thereof.

Expences of Act.

CLXV. And be it enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall be paid by the Council out of the Borough Fund of the Borough.

Short Title.

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

Interpretations of Expressions in Act.

CLXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there is something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall include Corporations, whether aggregate or sole:

The Expression "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace held for the County or Borough where the Matter in respect of which the Appeal to the Court shall be made shall have arisen:

The Words "Water Rate," or the Word "Rate," when used in connexion with or with reference to Water, shall mean exclusively the Rate which the Mayor, Aldermen, and Burgesses are by this Act authorized to levy and raise within the Borough, and shall include the Money payable or which shall be received under or by virtue of such Rate:

The Words "Water Rent," or the Word "Rent," when used in connexion with or with reference to Water, shall mean the Money or Consideration payable by Persons, by Agreement or otherwise than by way of Rate, for Water supplied to them by the Mayor, Aldermen, and Burgesses:

The Word "Town" shall mean the Township of *Manchester*:

The Words "the Council" shall mean the Council of the Borough of *Manchester*:

The Expression "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster*:

The Word "Borough" shall mean the Borough of *Manchester* as defined by the Charter of Incorporation thereof:

The Expression "Town Clerk" shall mean the Town Clerk of the Borough of *Manchester*, and shall include the Deputy of such Town Clerk, if any such there be:

The Word "Owner" shall mean the Party in possession or receipt of the Rents or Profits of any Tenement:

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The Word "Surveyor" shall mean the Surveyor for the Time being of the Mayor, Aldermen, and Burgesses, and shall include the Assistant Surveyor (if there be one):

And where the doing of any Act or Thing is made punishable by this Act, or by any of the Bye Laws to be made as aforesaid, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

Public Act.

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

Manchester

Manchester Waterworks.

The SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Rate.

AN Assessment to the Domestic Water Rate [*or* Public Water Rate, *as the Case may be*,] for the Borough of made this Day of in the Year of our Lord One thousand eight hundred and after the Rate of pence in the Pound.

Number in the Rate.	Name of Person rated.	Name of the Owner of the Property rated.	Description and Situation of Property.	Gross Annual Value.	Full Net Annual Value.	Rate at -pence in the Pound.

Signed by me this Day of in the Year of our Lord One thousand eight hundred and .

A. B.
Town Clerk.

SCHEDULE (B.)

Form of Warrant of Distress for the Recovery of a Rate made payable by this Act.

Borough of Manchester (to wit.)

To the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the County of Lancaster, and to their Collectors of Rates.

WHEREAS Complaint hath been duly made by One of the Collectors of Rates, to the Mayor, Aldermen, and Burgesses of the Borough of Manchester, that of hath

hath not paid and hath refused to pay the Sum of duly assessed upon him in and by a certain Rate for the said Borough on or about the Day of in the Year of our Lord One thousand eight hundred and bearing Date and duly made according to the Directions and for the Purposes of an Act passed in the Session of Parliament held in the Year of the Reign of Her Majesty Queen Victoria, intituled, *&c.* [*here set out the Title of this Act*], although the same hath been duly demanded of him: And whereas it appears to me One of Her Majesty's Justices of the Peace in and for the said Borough, as well upon the Oath of One of the said Collectors of Rates as otherwise, that the said Sum of hath been duly demanded in Writing from the said and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said having appeared before me in pursuance of my Summons for that Purpose, hath not shown to me any sufficient Cause why the same shall not be paid: [*or*, And whereas it hath been duly proved to me upon Oath that the said hath been duly summoned to appear before me to show Cause why he refuseth to pay the said Rate or Assessment, but he the said hath neglected to appear according to the said Summons, and hath not shown to me any sufficient Cause why the same shall not be paid:]

These are therefore in Her Majesty's Name to command you to levy the said Sum of by Distress of the Goods and Chattels of the said and if the same shall not be paid within the Space of Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the said Goods and Chattels by you distrained, and out of the Money arising by such Sale that you do detain the Sum of and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the said the Overplus, on Demand, and if sufficient Distress cannot be found of the Goods and Chattels of the said whereon to levy the said Sum of that then you certify the same to me, together with this Warrant, to the end that such further Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (C.)

Form of Mortgage Deed.

Mortgage, Number £

By virtue of [*insert Title of this Act*], we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the County of Lancaster, in consideration of the Sum of £ paid by *A.B.* of for the Purposes of the said Act, do grant and assign

assign unto the said *A.B.* his Executors, Administrators, and Assigns, such Proportion of the Borough Rate of the said Borough, [*or, as the Case may be*, of the Property vested in and belonging to the said Mayor, Aldermen, and Burgesses, *or* of the Water Rates and Rents payable to the said Mayor, Aldermen, and Burgesses by virtue of the said Act,] as the said Sum of £ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rate or Property, or Water Rates or Rents, under the Authority of the said Act; to hold to the said his Executors, Administrators, and Assigns, from this Day until the said Sum of £ with Interest at per Cent. per Annum for the same, shall be fully paid and satisfied, the Principal Sum to be paid at the End of Years from the Date hereof [*in case any Period be agreed upon for that Purpose*].

In witness whereof we have hereunto set the Common Seal of the said Borough, this Day of One thousand eight hundred and .

SCHEDULE (D.)

Form of Grant of Annuity.

Grant of Annuity £

By virtue of [*here insert Title of this Act*], we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the County of Lancaster, in consideration of the Sum of £ paid by *A.B.* for the Purposes of the said Act, do grant unto the said *A.B.* an Annuity or yearly Sum of to be issuing out of the Borough Rate of the said Borough, [*or, as the Case may be*, out of the Property vested in or belonging to the said Mayor, Aldermen, and Burgesses, or out of the Water Rates and Rents payable to the said Mayor, Aldermen, and Burgesses, by virtue of the said Act,] and to be paid by the said *A.B.* during the Term of his natural Life, [*or, as the Case may be*, to the said *A.B.* his Executors, Administrators, and Assigns, during the natural Life of *or* during the natural Lives of and and the Life of the Survivor of them,] upon the Day of and the Day of in every Year during his natural Life, [*or, as the Case may be*, during the natural Life of the said *or* during the natural Lives of the said and and the Life of the Survivor of them,] by equal [half-yearly *or* quarterly] Payments, the first Payment thereof to be made on the Day of next ensuing the Date hereof, in case the said [*or* any or either of them the said] shall be then living.

In witness whereof we have hereunto set the Common Seal of the Borough, this Day of One thousand eight hundred and .

SCHE-

SCHEDULE (E.)

Form of Transfer of Mortgage or Grant of Annuity.

I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby transfer to the said *C. D.* his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or* a certain Grant of Annuity, Number *as the Case may be*,] made by the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the County of Lancaster, to bearing Date the Day of for securing the Sum of and Interest, [*or* for granting an Annuity of *as the Case may be, or, if such Transfer be by Indorsement,* the within Security,] and all Right, Estate, and Interest in and to the Money thereby secured or the Annuity thereby granted, and in and to the Rents, Money, and Property thereby assigned.

In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and .

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