ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. ci.

An Act to alter, amend, and enlarge the Powers and Provisions of the *Manchester* Corporation Waterworks Act, 1847. [22d *July* 1848.]

WHEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty Queen *Victoria*, intituled *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:* And whereas by the said Act it was enacted, that the said Mayor, Aldermen, and Burgesses should apply in the next Session of Parliament for an Act to enable the Mayor, Aldermen, and Burgesses to construct, and should by such Act be required to construct, at their own Expense, such auxiliary and other Reservoirs and Works as might be necessary for the Purposes therein mentioned: And whereas it is expedient that the Limits of Deviation from the Line of the Works as laid down in the Plans referred to in the said recited Act at or near the Bridge which passes over the Canal Navigation commonly called the *Peak Forest* Canal in the Township of *Hyde* in the Parish of *Stockport* in the County of *Chester* should be extended, and also that in the Construction of so much of the Works authorized by the said recited Act as are connected with the *Woodhead* Reservoir Powers should be given to deviate from the Line of such Works as defined upon the Plans referred to in the said recited Act: And whereas by the recited Act the Company of Proprietors of the *Manchester and Salford*

10 & 11 Vict. c. 203.

Salford Waterworks were empowered to sell to the said Mayor, Aldermen, and Burgesses, and the said Mayor, Aldermen, and Burgesses were empowered to purchase, in manner therein mentioned, the Estate and Interest of the said Company of Proprietors of and in all the Lands and other Property of the same Company; and it was provided, that, if the said Company and the Council should so agree, the Consideration for such Purchase might 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, in manner therein mentioned, and that such annual Sum or Sums should be secured by the Bond of the Mayor, Aldermen, and Burgesses in a sufficient Penalty, and be payable and recoverable as therein mentioned: And whereas the said Company of Proprietors are, under the Provisions of their existing Acts, empowered to consolidate into a general Capital Stock all or any of the Shares for the Time being existing in the Capital of the same Company in respect whereof the whole Money subscribed or agreed to be paid shall have been called for and paid: And whereas it is expedient to make such further Provisions as are herein-after contained in relation to the Sale of the Lands and Property of the same Company so authorized to be made to the said Mayor, Aldermen, and Burgesses, and to extend the aforesaid Provisions for the Creation of Stock in manner herein-after expressed, and also to provide for the eventual Dissolution of the said Company, and for such other Purposes in connexion with the Affairs thereof as are herein-after expressed: And whereas it is also expedient that the Powers and Provisions of the said recited Act should be altered, amended, and enlarged, and that further and additional Powers should be given to the Mayor, Aldermen, and Burgesses: And whereas the same cannot be effected without the Aid and 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 all the Clauses, Provisions, Matters, and Things in the said recited Act contained, except such of them as are hereby varied, altered, or repealed, or as are repugnant to the Provisions in this Act contained, shall extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same Clauses, Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes thereof; and the said Act and this Act shall be; as to all Matters and Things whatsoever, except as aforesaid, read and construed together as One Act.

Provisions of recited Act extended to this Act.

Power to make Works according to deposited Plans.

II. And whereas Plans and Sections of the Reservoirs and Aqueducts or Conduits and other Works proposed to be made or enlarged, and also of the proposed Extensions of the Limits of Deviation from the Line of the said Works at or near the said Bridge, as laid down in the Plans referred to in the said recited Act, and also of the proposed Deviation in the Line of the Works connected with the said *Woodhead* Reservoir, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees and

and Occupiers of the Lands in or upon which the said Reservoirs and Aqueducts or Conduits are intended to be made or enlarged, or to or over which the Limits of Deviation from the Line of the said Works at or near the said Bridge are proposed to be extended, or through which the proposed Deviation in the Line of the said Works connected with the *Woodhead* Reservoir is 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, subject as in this Act provided, it shall be lawful for the Mayor, Aldermen, and Burgesses to make, construct, enlarge, and maintain the several Reservoirs and Aqueducts or Conduits herein-after mentioned, with all proper Works and Conveniences connected therewith respectively, in the Line or Course, and through, into, and upon the Lands delineated on the Plans and referred to in the Books of Reference herein-before mentioned to have been deposited as aforesaid, and also to extend the Limits of Deviation from the Line of the Works as laid down upon the Plans referred to in the said recited Act at or near the Bridge which passes over the Canal Navigation commonly called the *Peak Forest* Canal in the said Township of *Hyde* in such Manner and to such Extent as is shown or delineated on the said Plans so herein-before mentioned to have been deposited as aforesaid, and also in the Construction of so much of the Works authorized by the said recited Act as are connected with the *Woodhead* Reservoir to deviate from the Line of such Works as defined upon the Plans referred to in the said recited Act in such Manner and to such Extent as is shown or delineated in the said Plans so deposited as aforesaid, and to enter upon, take, and use such of the said Lands delineated in the said Plans and referred to in the said Books of Reference as may be required for such Purposes respectively, and with full Power to stop up, alter, and divert, whether temporarily or permanently, as may be required, within the several Parishes, Townships, and extra-parochial or other Places aforesaid, all such Turnpike and other Roads, Streets, Highways, Canals, Streams, Sewers, Pipes, and Aqueducts as it may be necessary to stop up, alter, or divert for the Purpose of constructing, maintaining, and using the Works by this Act authorized.

Description of Works.

III. And be it enacted, That the several Works by this Act authorized with respect to the making, constructing, enlarging, and maintaining the Reservoirs and Aqueducts or Conduits herein-before mentioned or referred to shall be the following; (that is to say,)

An Enlargement of the Reservoir upon the River *Etherow* at or near *Woodhead* as authorized to be constructed by the said recited Act, and the Construction of Residuum Lodges and other necessary Works 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 upon the River *Etherow* at or near a Place called *Torside* in the said Hamlet or Parish of *Padfield* and in the said Township of *Tintwistle*:

A Reservoir upon the River *Etherow* at or near a Place called *Rhodes Wood* in the said Township of *Tintwistle* and in the said Hamlet or Township of *Padfield*:

A Gauge

A Gauge Weir and Gauge Basin at or near a Weir across the said River *Etherow* belonging to *Vale House* Cottonworks in the said Township of *Tintwistle* and the said Hamlet or Township of *Padfield*:

An Aqueduct or Conduit commencing at the before-mentioned Reservoir at or near *Woodhead*, and terminating in the River *Etherow* at or near *Vale House Weir*, all within the said Township of *Tintwistle*:

An Aqueduct or Conduit commencing at a Stream called *Deep Clough*, and terminating in the said intended Reservoir at *Rhodes Wood*, all within the said Hamlet or Township of *Padfield*:

An Aqueduct or Conduit commencing at the said intended Reservoir at *Rhodes Wood*, and terminating near a Place called *Woolley Mill*, in an intended Aqueduct from an intended Reservoir on *Armfield Brook* authorized to be constructed by the said recited Act, all within the said Township of *Tintwistle*:

A Reservoir upon the River *Etherow* near its Junction with the *Glossop Brook* in the Townships of *Mottram* and *Hollingworth* in the said Parish of *Mottram-en-Longdendale* and in the Township of *Hadfield* and *Charlesworth* in the said Parish of *Glossop*:

An Aqueduct or Conduit from a Stream called *Charlesworth Brook* near a Place called *Rose Grove* to the Print Works of Messrs. *Matley* and Sons at *Hodge*, and a Reservoir on the Line of such Conduct near a Place called *Warhurst Fold*, all within the Townships of *Charlesworth* and *Chisworth* in the said Parish of *Glossop* and the Township of *Mottram* in the said Parish of *Mottram-en-Longdendale*:

A Reservoir upon the River *Etherow* at or near a Place called *Tor Farm* in the Township of *Hattersley* in the said Parish of *Mottram-en-Longdendale* and in the Township of *Werneth* in the Parish of *Stockport* in the County of *Chester* and in the Township of *Ludworth* in the said Parish of *Glossop*:

An Aqueduct or Conduit from an intended Service Reservoir near *Denton*, authorized to be constructed by the said recited Act, to the Upper Reservoir of the Company of Proprietors of the *Manchester and Salford* Waterworks at *Gorton* in the Township of *Denton* in the said Parish of *Manchester* and in the Township of *Audenshaw* in the Parish of *Ashton-under-Lyne* in the County of *Lancaster*.

Regulating the Mode of diverting a certain Turnpike Road adjoining to the Manchester, Sheffield, and Lincolnshire Railway.

IV. And whereas in the Execution of the Purposes of this Act it is proposed to form a Diversion of the Turnpike Road from *Chapel-en-le-Frith* to *Enter-Clough Bridge*, along the Northerly Side of the said *Manchester, Sheffield, and Lincolnshire* Railway, from a Point near the Easterly End of the said intended Reservoir at or near *Torside* to a Point at or near the Westerly End of the said intended Reservoir at or near *Woodhead*, and for the Purpose of such Diversion it may be necessary to use Part of the Embankment of the said Railway: Be it enacted, That the said Mayor, Aldermen, and Burgesses shall and they are hereby required, at their own Costs and Charges, in the Formation of the said Diversion of the said Turnpike Road between the Points aforesaid, to construct the same on the Northerly Side of the said Railway, and according to Plans to be submitted to and approved of by the Engineer for the Time being of the said Railway

Railway Company, and with such retaining Walls, Slopes, Embankments, Fences, Drains, and other Works for the Support and Security of the said Railway and the Works thereof, and in such Manner, as the said Engineer may think reasonable and proper, and shall at all Times thereafter effectually maintain the said Diversion, retaining Walls, Slopes, Embankments, Fences, Drains, and Works, at the like Expense.

Regulating the Mode of constructing Reservoirs adjoining the Manchester, Sheffield, and Lincolnshire Railway.

V. And whereas the said intended Reservoir at or near *Woodhead* is proposed to be constructed partly upon each Side of the *Manchester, Sheffield, and Lincolnshire* Railway, and the said intended Reservoir at or near *Rhodes Wood* is proposed to be constructed nearly adjoining to the said Railway, and it is expedient to protect the said Railway, and the Embankments and Works thereof, and the *Manchester, Sheffield, and Lincolnshire* Railway Company, and Persons using the said Railway, from Injury, Danger, and Inconvenience from or by reason of the said intended Reservoirs, and the Works appertaining thereto: Be it enacted, That the said Mayor, Aldermen, and Burgesses shall and they are hereby required, at their own Costs and Charges, to construct, in connexion with the said Reservoirs, and cotemporaneous with the Formation thereof, and for ever afterwards maintain, the several Works herein-after mentioned; that is to say, as regards the said Reservoir at or near *Woodhead* they shall for all such Distance or respective Distances on the Northerly Side of the said Railway as the Water in the said Reservoir would, according to the Plan and Section of the said Reservoir deposited with the Clerks of the Peace for the Counties of *Lancaster*, *Chester*, and *Derby* in the Month of *November* last, come in contact with the said Railway or the Embankment thereof, construct and for ever maintain, with good Materials and in a substantial Manner, and so that the same shall be substantially pitched or walled with Stone on the Northerly Side thereof, an Embankment or Breastwork, or Embankments or Breastworks, alongside and for the Support of the said Railway and the Embankment whereupon the same is laid, and which said Embankments or Breastworks respectively so to be constructed shall, as regards the Northerly Side or Face thereof, respectively be formed at an uniform Inclination or Slope after the Rate of Two Feet of horizontal to One Foot of perpendicular Measure from the Base of such Embankments or Breastworks respectively to the Level of the Rails of the said Railway, or, if the Level of the said Rails should in any Part exceed the Height of Ten Feet above the Top-water Level of the Water in the said Reservoir, as shown in the said deposited Section, then, for such Part as last aforesaid, it shall be sufficient if such Embankments or Breastworks be raised at such Inclination or Slope as aforesaid to the said Level of Ten Feet above the said Top-water Level, and shall for all such Space or respective Spaces on the Southerly Side of the said Railway as any impounding of Water would (according to the last-mentioned Plan and Section) take place on the said Southerly Side of the said Railway from or by reason of the said *Woodhead* Reservoir fill up with solid Material, and for ever maintain so filled up, to the Level of Five Feet above the Top-water Level of the Water in the said Reservoir, the whole of such Space or Spaces as aforesaid, except such Part thereof as may be required as a Channel or Channels for the Passage

of the Brooks or Streams to and under the said Railway, and shall substantially pitch or wall with Stone, and for ever afterwards maintain so pitched or walled, so much of the Embankment of the said Railway on the Southerly Side thereof as by reason of the leaving open of such Channel or Channels shall remain exposed to the Action of Water against such Embankment; and shall, for the Purpose of more effectually securing a free and uninterrupted Passage for the Water of the said last-mentioned Brooks or Streams on the Southerly Side of the said Railway to and into the said *Woodhead* Reservoir on the Northerly Side of the said Railway, construct and for ever maintain, through the Embankments, Breastworks, Wallings, and Fillings-up herein-before mentioned, substantial Stone Culverts, in extension of the Culverts already existing underneath the said Railway, and which said Culverts or Extensions so to be constructed shall respectively be of the Diameter of and otherwise similar to the existing Culverts of which they shall form the Extensions; and shall, for the greater Safety of the said Railway, and the more certain Passage of Water, (in case of Accident to the existing Culvert and the Extension thereof to be made in the Line of the transverse Section, No. 2., delineated on the Plan and Section of the said Reservoir,) lay down and for ever maintain within and through such last-mentioned existing Culvert and Extension a substantial Iron Pipe, of cylindrical Form, and of Two Feet Bore at the least, and keep such Culvert and Iron Pipe always unobstructed and free for the Passage of Water; and shall, for the Prevention of Overflow and washing, in Times of tempestuous Weather, of Water from the said *Woodhead* Reservoir upon the Surface of the said Railway, erect and for ever maintain upon and along the Northerly Side of the said Railway for all such Distance as the Top-water Level of the Water of the same Reservoir is (according to the said last-mentioned Plan and Section) not less than Ten Feet below the Level of the Rails of the said Railway, and in such Position as the Engineer of the said Railway Company shall direct, a Parapet Wall or Walls of Stone of such Height that the Top thereof shall stand at least Ten Feet above the said Top-water Level of the Water of the said Reservoir; and as regards the said Reservoir at or near *Rhodes Wood* aforesaid, the said Mayor, Aldermen, and Burgesses shall protect, by breast-walling, pitching, or other proper and efficient Means, the precipitous Slope on the Southerly Side of the said Reservoir, (and near the Point marked E. of the Line of the transverse Section, No. 1., laid down in the Plan and Section of the same Reservoir deposited as herein-before mentioned,) so as to prevent the Wear and Tear of such precipitous Slope, to a Height of Ten Feet at least above the Top-water Level of the said Reservoir where such Slope comes so near the said Railway as to afford reasonable Fear of Danger to the said Railway from the Action of the Water on the said Slope, and for ever to maintain such Works for the Security of such Railway against Subsidence or Accident from the Action of the Water of the said Reservoir upon the said Slope; and all the said Embankments, Breastworks, Wallings, Culverts, Pipes, and Works in this present Clause required and authorized, and all other Works, if any, which may be constructed under the Provisions of the said recited Act or this Act, and may affect the said Railway, shall be constructed and completed to the reasonable Satisfaction of the Engineer for the Time being of the said

said Company, and shall be always maintained and kept in repair by and at the Expense of the said Mayor, Aldermen, and Burgesses.

For Protection of the Manchester, Sheffield, and Lincolnshire Railway Company.

VI. 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 the said recited Act or this Act, to stop, divert, or alter, or to injure the said *Manchester, Sheffield, and Lincolnshire* Railway, or any of the Embankments or Works thereof for the Time being, nor to prevent, impede, or otherwise interfere with the free, uninterrupted, and safe Passage upon, over, and along the said Railway; and that it shall not be lawful for the said Mayor, Aldermen, and Burgesses to purchase, take, or use, either temporarily or permanently, any Part of the Line of the said Railway or the Embankments and Works thereof, or any Land of the said Railway Company, without the Consent in Writing of the said Railway Company under their Common Seal first had and obtained; but so nevertheless that nothing herein contained shall prevent the said Mayor, Aldermen, and Burgesses from constructing without such Consent the said Diversion of the said Turnpike Road from *Chapel-en-le-Frith* to *Enter-Clough Bridge*, and the said *Woodhead* Reservoir, and the Works connected therewith, upon and adjoining to the Embankments of the said Railway: Provided always, that they do not take or impede or endanger or permanently interfere with the Line of the said Railway or any Part thereof, and that they do observe and perform the several specific Provisions in this Act contained relative to the Construction of such Road Diversion, Reservoir, and Works, and that they do make reasonable Compensation to the said Company for the Right of using the Land of the said Company required for the Purpose, the Amount of such Compensation to be determined, in case of Difference, under and in conformity with the Provisions of the Lands Clauses Consolidation Act, 1845.

Manchester, Sheffield, and Lincolnshire Railway Company to be reimbursed for Damages done to their Works.

VII. 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 hereafter, to pay and make good to the said *Manchester, Sheffield, and Lincolnshire* Railway Company all Losses, Costs, Charges, and Expenses and Damages, as well immediate as consequential, which the said Company may sustain, incur, or be put unto by reason or in consequence of the Construction of, or of the Failure or giving way of, any of the Reservoirs, Embankments, Watercourses, Pipes, or other Works authorized to be constructed by the said Mayor, Aldermen, and Burgesses, under or by virtue of the said recited Act or this Act.

For the Protection of the Peak Forest Canal.

VIII. 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 for the Time being of the *Manchester, Sheffield, and Lincolnshire* Railway Company; and that it shall not be lawful for the said Mayor, Aldermen, and Burgesses, in carrying into execution the Powers of this Act, to alter the Line or Level of or to injure the said 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, or along the same.

IX. And

Saving Rights of the Manchester, Sheffield, &c. Railway Company.

IX. 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.

Period for compulsory Purchase of Lands limited.

X. 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 Three Years from the passing of this Act.

Mayor, &c. may take Water from certain Brooks for Purposes of this Act.

XI. And be it enacted, That, subject to the Restrictions and Provisions in the said recited Act and this Act contained, it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to collect, take, and store up in the Reservoirs by this Act or the said Act authorized to be constructed as aforesaid, or in the Reservoirs of the Company of Proprietors of the *Manchester and Salford* Waterworks, or any of them, the Waters from the several Springs, Brooks, Rivulets, Streams, and Drains described in the said Plans herein-before mentioned to have been deposited as aforesaid, and situate in the several Townships, Parishes, Hamlets, and Places following; that is to say, *Tintwistle, Mottram-en-Longdendale, Padfield, Glossop, Hollingworth, Mottram, Hadfield, Charlesworth, Chisworth, Hattersley, Werneth, Ludworth, Denton, Audenshaw,* and *Ashton-under-Lyne*, or some of them, and which Waters now flow or proceed directly or derivatively into the River *Etherow*, and thence into the *Mersey and Irwell* Navigation, and also all other the Waters which may be intercepted or collected by any of the said Works by this Act authorized, or which may spring upon the Sites of the said Reservoirs and 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 the said recited Act and this Act or either of them, and for the Purposes aforesaid to alter and divert the Course of the said Springs, Brooks, Rivulets, Streams, and Drains to the Extent and in the Manner shown on the said Plans herein-before mentioned to have been deposited as aforesaid.

Quantity of Water to be discharged.

XII. And whereas by the said recited Act it was enacted, that the Mayor, Aldermen, and Burgesses should and they were thereby required to discharge, from and out of the Compensation Reservoir in the said Act mentioned, 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 should from Time to Time be determined by the Occupiers of the several Mills and Works therein-after mentioned: And whereas it is expedient that the Quantity of Water to be discharged from the said Reservoir should be increased: Be it therefore enacted, That, in lieu of the Quantity of Water by the said recited Act required to be discharged from the said Reservoir, the Mayor, Aldermen, and Burgesses shall and they are hereby required to cause a Quantity of Water equal to Seventy-five Cubic Feet *per* Second for Twelve Hours of every working Day to be discharged through or over a Gauge at or near a Weir across

the said River *Etherow* belonging to the *Vale House* Cotton Works in the said Township of *Tintwistle* and the said Township or Hamlet of *Padfield*, such Discharge to be made at such Rate, in such Manner, at such Times, and in such Proportions as the Occupiers of the several Mills and Works situated on the River *Etherow*, and called the *Vale House* Mills, the *Tintwistle* Mill, *Bottoms Lodge* Mill, *Waterside* Mills, *Besthill* Mills, *Broadbottom* Mills, and the *Hodge* Print Works, or a Majority of them, shall determine, as in the said recited Act mentioned; and in default of any Determination by the Occupiers of such Mills and Works, as in the said Act mentioned, then and in such Case the said Mayor, Aldermen, and Burgesses shall and they are hereby required to cause to be discharged from the said Reservoir at or near *Rhodes Wood* aforesaid not less than Seventy-five Cubic Feet *per* Second continuously during Twelve Hours of every working Day, commencing at Half past Five o'Clock in every Morning.

Altering the Situation of the Water Gauges.

XIII. And whereas by the said Act it was enacted, that the Mayor, Aldermen, and Burgesses should and they were thereby 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 Mayor, Aldermen, and Burgesses, and the other by the Majority of the Occupiers for the Time being of the several Mills and Works herein-after mentioned, with Power for such Engineers, in case of Difference, to choose an Umpire between them, and their or his Decision should be final and conclusive, and all Expenses attending the making and Construction of such Weirs, Gauges, and Works, and the repairing thereof, and of such Arbitration, should from Time to Time be paid by the Mayor, Aldermen, and Burgesses: Be it enacted, That in lieu of constructing the said Weirs, Gauges, and other the last-mentioned Works in the Situation in the said Act mentioned, and for the Purpose of securing to the Occupiers for the Time being of the respective Mills and Works in the said Act mentioned the Benefit to the Extent herein-before expressed of the Drainage Ground lying above the said Gauge lastly herein-before mentioned, and otherwise affected by the Works authorized by the said recited Act or by this Act, the said Mayor, Aldermen, and Burgesses shall and they are hereby authorized and required to construct and for ever thereafter to maintain in repair, in the Manner by the said Act required, proper and sufficient Weirs, Gauges, and other sufficient and necessary Works at or near the said Weir across the said River *Etherow* belonging to *Vale House* Cotton Works in the said Township of *Tintwistle* and the said Township or Hamlet of *Padfield*.

Clause in recited Act imposing Penalty in case of Failure to supply Water repealed.

XIV. And be it enacted, That so much of the said recited Act as enacts 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 should not so flow or be discharged therefrom, the Mayor, Aldermen,

Aldermen, and Burgesses should, for and during every Day on which such Failure, Neglect, or Default should occur, forfeit and pay, by way of Penalties, to the Occupiers of each of the said several Mills and Works affected thereby who might sue for and recover the same, the Sum of Fifty Pounds, shall be and the same is hereby repealed.

Penalty on Failure to supply the stipulated Quantity of Water.

XV. And be it enacted, That in case of any Failure, Neglect, or Default by or in consequence of which the Quantity of Water required by this Act to flow or be discharged through or over the said Gauge lastly herein-before mentioned as aforesaid shall not so flow or be discharged, 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 the *Hollingworth* Print Works, the *Compstall* Mills, and of each of the said several Mills and Works affected thereby, and mentioned in the said recited Act, who shall actually have received Damage or incurred any Loss by reason of such Failure, Neglect, or Default as aforesaid, and who may sue for and recover the same, the Sum of Fifty Pounds.

An auxiliary Reservoir to be constructed on River Etherow for ensuring Supply of Water to certain Mills.

XVI. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall and they are hereby required to construct and main- upon the River *Etherow* at or near its Junction with the *Glossop Brook* in the Townships of *Mottram* and *Hollingworth* an auxiliary Reservoir, of such Capacity as shall be arranged between the Engineer of the said Mayor, Aldermen, and Burgesses, and the Engineer to be appointed by the Majority of the Occupiers for the Time being of the said several Mills and Works called the *Vale House* Mills, the *Tintwistle* Mill, *Bottoms Lodge* Mill, *Waterside* Mills, *Besthill* Mills, *Broadbottom* Mills, and the *Hodge* Print Works, together with all necessary and proper Weirs, Gauges, and Works, for the Purpose of ensuring the full Benefit of the Supply of Water herein-before stipulated for to the several Mills and Works called *Besthill* Mills, *Broadbottom* Mills, and *Hodge* Print Works respectively.

Water not to be taken by Mayor, &c. from Woodhead Reservoir, until Supply secured to Millowners, &c.

XVII. And be it enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or any Person acting under their Authority, or under the Powers and Provisions of this or of the said recited Act, to use or appropriate for the Supply of the Inhabitants or others within the Limits of this or the said recited Act any Water now flowing or which may flow to or upon the Site of the said Reservoir at or near *Woodhead*, or any Water now flowing or which may flow into the River *Etherow* between the intended Site of the said last-mentioned Reservoir and the *Vale House* Weirs, until the said Mayor, Aldermen, and Burgesses shall have secured to the said several Occupiers of the said Mills and Works, and commence to discharge through or over the said Gauge herein-before particularly referred to, the said stipulated Quantity of Seventy-five Cubic Feet *per* Second for Twelve Hours of every working Day, in manner herein-before provided.

Auxiliary Reservoir for Compstall

XVIII. And be it enacted, That, unless the said Mayor, Aldermen, and Burgesses shall within the Period of Two Years from the passing of this Act be released by the Owner of the *Compstall* Mills

and Printworks from the Requirements of this Clause, the said Mayor, Aldermen, and Burgesses shall and they are hereby required to construct and maintain upon the said River *Etherow* at or near a Place called *Tor Farm* in the Township of *Hattersley* in the said Parish of *Mottram-en-Longdendale*, and in the Township of *Werneth* in the Parish of *Stockport* in the County of *Chester*, and in the Township of *Ludworth* in the said Parish of *Glossop*, an auxiliary Reservoir of such Capacity as is shown on the Plans and Sections deposited, and according to the said Plans and Sections, together with all necessary and proper Weirs, Gauges, and Works, for the Purpose of ensuring the full Benefit of the Supply of Water herein-before stipulated for to the said *Compstall* Mills and Print Works, and that the Owner for the Time being of the said *Compstall* Mills and Print Works shall at all Times have Access thereto, by himself, his Servants, Workmen, and Agents, and have the Power of determining the Number of Hours, the Rate, and Times of commencing and terminating the Discharge of the Water from and out of the said auxiliary Reservoir.

Mills and Printworks.

XIX. And whereas the Line of the said Aqueduct or Conduit commencing at the before-mentioned Reservoir at or near *Woodhead* and terminating in the River *Etherow* at or near the *Valehouse* Weir, as shown in the said Plans so deposited as aforesaid, is intended to cross the *Manchester and Saltersbrook* Turnpike Road in the said Township of *Tintwistle* on the Western Side of the public Bridge belonging to the Inhabitants of the County of *Chester*, and numbered 44*a* in the Book of Reference to the said Plans so deposited as aforesaid, and within about Seventy Yards from the said Bridge: Be it enacted, That the Water to be conveyed by the said Aqueduct or Conduit under and across the said Turnpike Road on the Western Side of the said Bridge shall be conveyed under and across the said Road by a substantial and sufficient Bridge or Culvert, so that the said Road shall be free from Injury from the Water flowing through the same, and so that the Surface or Inclination of the said Road shall not be altered by means of the said Bridge or Culvert so to be laid or made across and under the same, which said Bridge or Culvert shall be laid down and made by and at the Expense of the said Mayor, Aldermen, and Burgesses.

Water to be carried under the Manchester and Saltersbrook Turnpike Road by a Bridge or Culvert.

XX. And be it enacted, That the Mayor, Aldermen, and Burgesses shall give to the Bridge Master for the Time being of the County of *Chester* Three clear Days Notice of their Intention to break up the said Turnpike Road for the Purpose of constructing such Bridge or Culvert across and under the same; and the Mayor, Aldermen, and Burgesses shall not break up more than One Half of the said Road at the same Time, but shall leave One Half at least of the entire Width of the said Road clear for the Passages of Carriages during any Interference by them with the said Road, and the Mayor, Aldermen, and Burgesses shall not permit any loose Pipes, Earth, or Materials to be laid upon the Half of the said Road reserved for the Passage of Carriages, or upon any of the Footways of the said Road.

Mayor, &c. to give Notice before breaking up Road, &c.

XXI. And be it enacted, That from Time to Time, when and so often as the Mayor, Aldermen, and Burgesses shall break up or disturb

Mayor, &c. to repair and reinstate the Road.

disturb the said Road, for the Purpose of constructing such Bridge or Culvert, or of repairing the same respectively, or of making or repairing any Work connected therewith, the Mayor, Aldermen, and Burgesses shall, at their own Expense, reinstate the said Road, 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 of the Mayor, Aldermen, and Burgesses, and to the Satisfaction of the Bridge Master for the Time being of the said County of *Chester*.

Penalty on certain Acts or Omissions of the Mayor, &c.

XXII. And be it enacted, That if the Mayor, Aldermen, and Burgesses, or any of their Contractors or Servants, shall, without the Consent in Writing of the Bridge Master for the Time being of the County of *Chester*, act in any Manner contrary to any of the Restrictions or Directions contained in the Two preceding Enactments, the Mayor, Aldermen, and Burgesses shall forfeit and pay the Sum of Five Pounds for each such Offence, 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 said Provisions shall continue or remain unperformed after Five Days Notice in Writing from the Bridge Master for the Time being of the said County of *Chester* to the Mayor, Aldermen, and Burgesses, complaining of such Act or Omission; and every such Penalty shall be paid to the Treasurers of the County of *Chester*, and shall be applied in aid of the County Rate of the said County.

Any Damage to Bridge, &c. from Works of Mayor, &c. to be repaired by them.

XXIII. And be it enacted, That if the said Bridge over the said Stream called *Crowden Brook* otherwise *Craden Brook*, or the Approach to the said Bridge, or the Road over the same, shall at any Time sustain any Damage from the said Bridge or Culvert so to be laid or made across and under the said Road, or from Water leaking from such Bridge or Culvert, or if the said Bridge or Approach or Road 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, at their own Expenses, repair and make good such Damage with all possible Despatch, and to the Satisfaction of the Bridge Master for the Time being of the said County of *Chester*, and shall also execute all such further Works as shall in the Opinion of the said Bridge Master be necessary for protecting the said Bridge and Approach, and the retaining Walls thereof, and the Road over the same, from further Damage or Injury.

Mains, &c. not to be laid across Crowden Brook Bridge.

XXIV. And be it enacted, That it shall not be lawful for the Mayor, Aldermen, and Burgesses to lay any Mains or Pipes over the said Bridge over *Crowden Brook* otherwise *Craden Brook*, either between the Parapet Walls of the said Bridge or in any other Manner.

Prohibiting Deviation from Line shown on Plans be-

XXV. And be it enacted, That in constructing the Watercourse, Channels, Cuts, Feeders, and Aqueducts by this Act authorized, between the Fields numbered respectively 122 and 139 in the Township of *Tintwistle*, it shall not be lawful for the Mayor, Aldermen, and

and Burgesses to deviate from the full Black Lines shown on the deposited Plans as the Line of the intended Watercourse, so as to cross, impede, contract, or interfere with the *Manchester and Salters-brook* Turnpike Road between the same Points, without the Consent of the Trustees of the said Turnpike Road first obtained in Writing under the Hand of their Clerk. tween certain Points.

XXVI. And be it enacted, That from and after the Period at which the said Mayor, Aldermen, and Burgesses shall be able to supply Water to the Owner or Owners for the Time being of certain Waterworks commonly called or known as the *Hyde, Newton, and Werneth* Waterworks, established under and by virtue of an Act made and passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for better supplying with Water the several Townships of* Hyde, Werneth, *and* Newton *in the County Palatine of* Chester, and so long thereafter as such Owner or Owners shall, at the Request of the Owner or Occupier, furnish to every Occupier of a private Dwelling House or Part of a Dwelling House situate in either of the said Townships of *Hyde* and *Newton*, and within Fifty Yards of a Main or other Water Pipe of or belonging to the said *Hyde, Werneth*, and *Newton* Waterworks, a sufficient Supply of Water for domestic Use (as defined by the Waterworks Clauses Act, 1847,) at the same Rates and upon the same Terms, and subject to the same Conditions and Limitations as to the Prices to be paid, and the Deductions, Allowances, and Discount to be made and allowed therefrom, as are in and by the said recited Act authorized, declared, and provided to be charged, allowed, made, and taken by the said Mayor, Aldermen, and Burgesses, nothing in the said recited Act or in this Act contained shall be construed to authorize the said Mayor, Aldermen, and Burgesses to sell Water within the said Townships of *Hyde* and *Newton*, except for the Purposes of any Trade or Business, to any Person who shall not be duly authorized to sell and distribute the same to the Inhabitants residing within the several Townships of *Hyde* and *Newton* in the County of *Chester*, or either of them, and who shall not for that Purpose be also duly authorized to break up or interfere with the Highways, Roads, Streets, Lanes, or other public Passages and Places within the said Townships or either of them. Restriction as to Sale of Water within Townships of Hyde and Newton.

1 W. 4. c. 52.

XXVII. And be it enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, and they are hereby authorized and required, to supply from Day to Day, in Bulk and at High Pressure, to the Owner or Owners for the Time being of the said *Hyde, Werneth, and Newton* Waterworks, so much and such a Quantity of Water as shall be required by such Owner or Owners for the additional Supply of Water to and for the Purposes of the said Waterworks, at a Price to be mutually agreed upon, not exceeding Three-pence *per* Thousand Gallons. As to Supply of Water to the Hyde, Werneth, and Newton Waterworks Company.

XXVIII. And be it enacted, That if, in pursuance of the Power in that Behalf in the said first-recited Act contained, the Consideration for the Purchase by the said Mayor, Aldermen, and Burgesses of the Lands, Reservoirs, and other Property of the Company of Proprietors of the *Manchester and Salford* Waterworks shall, under any Agree- As to Payment of annual Sums which may become payable by the Mayor, &c.

to the Manchester and Salford Waterworks Company, to be consolidated into Annuity Stock.

ment already made or hereafter to be made between the said Mayor, Aldermen, and Burgesses, and the said Company of Proprietors, consist of or include an annual Sum or annual Sums of Money payable by the said Mayor, Aldermen, and Burgesses in perpetuity, but subject (if so agreed) to be redeemed or purchased by them, then, at any Time after the Completion of such Purchase, and the Delivery to the said Company of the Bond of the Mayor, Aldermen, and Burgesses by which such annual Sum or annual Sums is or are by the same Act directed to be secured, and before the same annual Sum or Sums shall have been redeemed or purchased by the said Mayor, Aldermen, and Burgesses, it shall be lawful for the said Company of Proprietors, with the Consent of Three Fifths of the Proprietors present in Person or by Proxy at any General Meeting of the said Company, to resolve that the same Company shall be dissolved at such Time as shall be appointed in such Resolution, and at and from such Time, and subject to such Conditions as shall be determined at such Meeting, to convert all the Shares then existing in the Capital of the Company, including any such Shares in respect whereof the whole Money subscribed shall not have been paid up, or if all or any of such Shares shall have been previously converted into Stock under the aforesaid Provisions for that Purpose, then the Stock which shall have been so created, and any then unconverted Shares, into a general Stock, to be called "The *Manchester* Waterworks Annuities," and which Stock shall be of the same yearly Amount in the whole as the Amount or aggregate Amount of the said annual Sum or Sums to be secured by the aforesaid Bond of the said Mayor, Aldermen, and Burgesses, and after such Resolution no Call shall be made upon or with respect to any of the aforesaid Shares the full Amount whereof shall not have been paid up.

The Annuity Stock to be vested in the Proprietors of the Waterworks Company.

XXIX. And be it enacted, That from and after the Time at which such Conversion of Shares into Stock shall be appointed to take place, in pursuance of the said last preceding Power, every Person who shall then be a Proprietor of One or more Share or Shares of any Amount or Denomination in the Capital of the said Company of Proprietors, or of any Portion of such previously converted Stock, shall, in lieu of such Share or Portion of Stock, or each such Share, become a Proprietor of such distinct Proportion of the said *Manchester* Waterworks Annuities as shall by the Resolution of the General Meeting by which such last-mentioned Stock shall be created, and pursuant to or consistently with any such Agreement between the said Mayor, Aldermen, and Burgesses, and the said Company of Proprietors, be directed to be substituted for or to represent a Share of the same particular Amount or Denomination, or to be substituted for or to represent any such Portion of previously converted Stock respectively, and such Proportion of the aforesaid *Manchester* Waterworks Annuities shall thereupon and by force of this Act become vested in the same Person accordingly; and if the annual Sum or Sums payable to the said Mayor, Aldermen, and Burgesses shall be repurchaseable by them as aforesaid, and either at one Time or from Time to Time, such Proportion of the entire Sum to be paid for such Repurchase, in the event of the Power in that Behalf being exercised, as shall be determined in that Behalf by the Resolution of such General Meeting, shall be annexed unto and become

become payable in respect of each particular Portion of Stock into which the said *Manchester* Waterworks Annuities shall be divided, or with reference to which such Power shall for the Time being be exercised.

Provisions as to the Transfer and Transmissibility of the Stock.

XXX. And be it enacted, That from and after the Creation of the said *Manchester* Waterworks Annuities all the Provisions contained in the several Acts relating to the said Company of Proprietors which require or imply that the Capital of the same Company should be divided into Shares of any fixed Amount, and distinguished by Numbers, shall cease and be of no Effect; and the several Holders of such Stock may thenceforth, and notwithstanding the Dissolution of the said Company of Proprietors, transfer the whole or any Part or Parts of their respective Portions of the same Annuities (including as incidental thereto the aforesaid Interests in the Monies eventually payable upon any such Repurchase as aforesaid), in the same Manner and subject to the same Regulations and Provisions as in and by the Companies Clauses Consolidation Act, 1845, are expressed concerning and made applicable to the Interests in any general Capital Stock into which, under the Provisions of the same Act with respect to the Consolidation of Shares into Stock, the Shares of any Company subject to the Operation of the same Act shall have been converted or consolidated; and the Clauses and Provisions of the same Act with respect to the Transfer or Transmission of Shares or Stock, and also with respect to the Certificates of Shares, shall, so far as the same may not be unnecessary, or inconsistent with the Provisions of this Act, apply and the same are hereby extended to the said Annuity Stock so to be created, and the said proportionate Shares and Interests therein: Provided always, that all Acts and Payments which under the aforesaid Clauses and Provisions of the said Companies Clauses Consolidation Act are directed to be done or made by or to the Secretary of the Company shall, with reference to all Acts and Proceedings under or pursuant to this present Clause, and after the Dissolution of the said Company of Proprietors, be done or made by or to the Town Clerk for the Time being of the said Borough, or his lawful Deputy, and after such Dissolution, and with reference to the said Clauses and Provisions which are so incorporated herewith, the said Mayor, Aldermen, and Burgesses and the said Council shall be and are hereby respectively substituted for the Company and the Directors thereof.

Register of Stock.

XXXI. And be it enacted, That the said Mayor, Aldermen, and Burgesses shall from Time to Time cause the Names of the several Parties who may be interested in the said *Manchester* Waterworks Annuity Stock, with the Amount of the respective Portions thereof possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called "The Register of Holders of *Manchester* Waterworks Annuities;" and such Book shall be accessible at all seasonable Times, and without Fee or Reward, to the several Holders of such Stock; and within Thirty Days next after the Resolution of such General Meeting for the Creation of such Stock the Directors of the said Company of Proprietors shall deliver to the Council a List, under the Common Seal of the said Company, of the respective Names and Addresses of all the Shareholders in the said Company,

Company, and of the Shares held by them respectively, as the same shall then appear in the Books thereof; and the Entries which shall be made in such Register in conformity with such List shall be effectual for all Purposes, but so as not to prejudice the Right of any Person interested in the said Annuities to compel any registered Holder of any Portion of the said Stock to transfer the same to him or by his Direction.

Charge for registering Transfers.

XXXII. And be it enacted, That, notwithstanding anything contained in the said recited Acts or any of them, the said Mayor, Aldermen, and Burgesses shall be authorized and empowered to charge, for and in respect of each and every Transfer of Shares now existing, or of Stock when the same may have been consolidated, which shall be required to be registered by the said Mayor, Aldermen, and Burgesses under the Provisions of this Act, any Sum not exceeding on the whole the Sum of Five Shillings for every One hundred Pounds of Capital or of Consolidated Stock at any Time transferred and registered.

Stock to be subject to the same Trusts, &c. as the Shares which it shall represent.

XXXIII. And be it enacted, That the respective Portions to which the respective Proprietors of the Shares or previously created Stock in the Capital of the said Company of Proprietors shall become entitled in the said *Manchester* Waterworks Annuities, and also in the Monies to be payable upon any Repurchase thereof by the said Mayor, Aldermen, and Burgesses, shall respectively be held for the same respective Interests, and upon and for the same Trusts and Purposes, and shall respectively be subject to the same Powers and Provisions, and be charged and chargeable in the same Manner, as the respective Shares or Stock for which the same respectively shall be substituted shall immediately before the Creation of the said Annuities have been held subject or liable to or charged or chargeable with; and so as to give effect by way of Substitution to, and not to revoke or vary, any Will, Settlement, Contract, or other Disposition, whether specific or otherwise, made previously to such Creation; and so that every Person who would for the Time being have been entitled to receive the Dividends or other yearly Proceeds of any Share or Stock so to be created shall be in like Manner entitled to receive the yearly Amount of the corresponding Portion of the Annuities so to be created; and that every such Bill, Settlement, Contract, or other Disposition shall take effect as if such Portion of the same Annuities which shall be substituted for the Share or Stock affected or intended to be affected thereby had been expressly included therein.

Providing for the Dissolution of the Waterworks Company.

XXXIV. And be it enacted, That at and from the Time at which it shall have been resolved by the aforesaid General Meeting of the said Company of Proprietors that the same Company shall have been dissolved, the same shall be and is hereby dissolved accordingly, but subject and without Prejudice in any respect to the Operation and Effect of the previous Conveyance to the said Mayor, Aldermen, and Burgesses of the Lands, Works, and other Property of the same Company, and of the Provisions in the said recited Act contained for or in relation to or consequent upon the vesting in the said Mayor, Aldermen, and Burgesses of the Powers, Authorities, Rights, and Privileges

Privileges of the said Company; and in relation to the Contracts, Engagements, Conveyances, Leases, Covenants, Indemnities, and Liabilities thereof, and to any Action, Suit, Prosecution, or other Proceeding by or against the said Company, or in relation to any other Benefit or Liability whatsoever, by the same Act given unto or imposed upon the said Mayor, Aldermen, and Burgesses, and which is not hereby expressly varied; and from and after such Dissolution all the Books, Deeds, and Papers relating to the said Company of Proprietors, or to the Shares therein or the Affairs thereof, and which shall then be in the Custody of the said Company, or their Directors or Clerk, shall be transferred to and remain in the Custody of the said Mayor, Aldermen, and Burgesses, but subject to the like Obligations or Liabilities in respect of the Production or Inspection thereof, or otherwise in relation thereto, as the said Company of Proprietors, or their Directors or Officers, would have been subject to if such Company had not been dissolved, and the same had remained in their Custody or within their Control.

The Mayor, &c. to pay the Annuity Stock to the respective Holders thereof.

XXXV. And be it enacted, That in the event of and from and after the Dissolution of the said Company of Proprietors, pursuant to the aforesaid Provisions in that Behalf, the said Mayor, Aldermen, and Burgesses shall from Time to Time pay unto each Holder for the Time being of any Portion of the said *Manchester* Waterworks Annuities the Amount of such Portion, at the same respective Times as in the aforesaid Bond of the said Mayor, Aldermen, and Burgesses shall be appointed for Payment of the said annual Sum or Sums to be thereby secured, and shall, in the event of any such Re-purchase by them of the aggregate annual Amount for the Time being payable by them, or of any separate Portion thereof, pay unto each Holder of the Stock, or of the particular Portion of Stock which shall correspond with or have been substituted for the annual Sum to be so re-purchased, the Amount payable for such Re-purchase; and every such Payment shall be a full Discharge to the said Mayor, Aldermen, and Burgesses for the like respective Amount of the annual Sum or Sums and Purchase Money respectively payable under or pursuant to their aforesaid Bond; and if at any Time Default shall be made for Thirty Days in Payment to any such Holder of the Portion to which he shall be so entitled of the said Annuities or Purchase Money next after the Time at which the same shall have become payable, the same shall be recoverable by him from the said Mayor, Aldermen, and Burgesses, with Costs of Suit, in an Action of Debt in his own Name; and he shall in respect of the Amount as to which such Default shall have been made be also entitled to the like Charge upon the Borough Fund, and in the like Order of Priority, and to the like Power of Distress, and the like Rights and Remedies in other respects, as by the recited Act were given unto or authorized to be exercised or enforced by the said Company of Proprietors in relation to the annual Sum or Sums to be secured by the aforesaid Bond of the said Mayor, Aldermen, and Burgesses: Provided always, that the Holders for the Time being of the said Annuities shall as between themselves be entitled to the Benefit of the aforesaid Charge upon the said Borough Fund *pari passu* and in proportion to their respective Interests in such Annuities; but such Charge may be enforced by any One or more of them without making any other or others of them

them Party or Parties to the Suit or other Proceeding for that Purpose.

Provisions for the Enrolment of the Bond of the Corporation, and the Resolutions of the General Meeting of the Company.

XXXVI. And be it enacted, That the aforesaid Bond of the said Mayor, Aldermen, and Burgesses, and also a Copy under the Common Seal of the said Company of Proprietors of the Resolutions of the General Meeting thereof as to such Dissolution and Creation of Stock as aforesaid, shall, within Thirty Days next after the holding of such General Meeting, be enrolled in the Court of Chancery at *Westminster*, and Copies of the same Bond and Resolutions, also under the Common Seal of the same Company, shall within the like Period be deposited with the Clerk of the Peace for the County of *Lancaster*, who shall receive and retain the same, and shall permit all Persons interested to inspect the same, and make Copies thereof or Extracts therefom, in the Manner, and under the Terms, and subject to the 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.

XXXVII. And be it enacted, That any Copy of such Enrolments respectively or either of them, or of the Documents so to be deposited with the said Clerk of the Peace, or any Extract therefrom, certified by the proper Officer of the said Court of Chancery or by such Clerk of the Peace respectively, and which Certificate shall be given to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents and due Execution of such Bond and of such Resolution, and of the same having been passed at such Meeting of the said Company, and with such Consent as is herein-before mentioned in that Behalf.

Power for Trustees, &c. to act and give Receipts.

XXXVIII. And be it enacted, That it shall be lawful for all Executors, Administrators, Guardians, and Trustees, and all Committees of the Estates of Idiots or Lunatics, in whose respective Names any Portion or Portions of the said *Manchester* Waterworks Annuities shall be standing at the Time of the Exercise by the said Mayor, Aldermen, and Burgesses of any Power to repurchase such annual Sum or Sums, or such particular Portion or Portions thereof, or who in such respective Capacities as aforesaid, any or either of them, are or shall be entitled to the Receipt of the Dividends or other Profits of any such Portion or Portions, to receive the Purchase Money or Monies payable in respect of the same Portion or Portions, and to give effectual and conclusive Receipts and Discharges for the same, and so as to release the said Mayor, Aldermen, and Burgesses from all Obligation in respect of the Amount and Application of the Monies in respect whereof any such Receipt or Discharge shall be given; and such Trustees and other Persons acting in the several Capacities aforesaid are hereby respectively indemnified in respect of any Receipt or other Act by them respectively under and in pursuance of this present Clause.

XXXIX. And

Provisions as to Shares of unknown or incapacitated Persons in the Monies payable for the Re-purchase of the Annuities.

XXXIX. And be it enacted, That in case the said Mayor, Aldermen, and Burgesses shall, after the Dissolution of the said Company of Proprietors, exercise any such Power for the Re-purchase of the annual Sum or Sums to be payable by them as aforesaid, or any Portion or Portions of such annual Sums, then, as concerning any Monies payable for the Re-purchase of any such Portion or Portions of the said Annuities the Owner or Owners of which shall not be known or cannot be found, or in respect of which no Claim shall be made and supported by proper Evidence, within Twelve Calendar Months next after the Time at which such Re-purchase ought to have been completed, or in respect of which there shall be no Person competent to receive and give an effectual Discharge for the Monies payable in respect thereof, it shall be lawful for the Mayor, Aldermen, and Burgesses to deposit, invest, and pay such Monies in respect of which the Party interested shall not be known or cannot be found, or in respect whereof there shall be such Absence of Claim, or such other Incompetency or Incapacity, in the Manner and subject to the Provisions contained in the Clauses of the Lands Clauses Consolidation Act, 1845, with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title; and the Monies so to be deposited, invested, and paid shall be applied in pursuance of the same Clauses, but at the Expense in all Things of the Person or Persons who shall be or shall claim to be entitled thereto, and not at the Expense in any Particular of the said Mayor, Aldermen, and Burgesses: Provided nevertheless, that any Investment of such Monies, or the annual Income thereof, or of any preceding Investment thereof, may be made upon the Petition of the said Mayor, Aldermen, and Burgesses; and that in any Case in which any such Monies may be lawfully paid by them to Two Trustees, such Trustees may be appointed by an Order of the Council, with such Provisions for the Appointment of new Trustees from Time to Time, upon the Death, Retirement, Incapacity, or Unfitness to act of any Trustees or Trustee thereof for the Time being, as may be thought expedient; and every Deposit, Investment, or Payment under this present Clause shall conclusively discharge the said Mayor, Aldermen, and Burgesses from all further Liability in respect of the Application of the Monies so deposited, invested, or paid, and be as effectual in their Favour as if the same Monies had been duly paid to the Person absolutely entitled thereto, and they shall not be thereafter liable to any Payment of the annual Amount in respect of the Re-purchase, whereof such Deposit, Investment, or Payment shall have been made.

Provisions as to Notices after Dissolution of the Company.

XL. And be it enacted, That any Notice which, in pursuance of the existing or any future Arrangements between the said Mayor, Aldermen, and Burgesses, and the said Company of Proprietors, ought to be given to the Directors of the said Company, shall or may, after the Dissolution of the same Company, pursuant to the aforesaid Provisions, be given to the respective Holders or Holder for the Time being of the said *Manchester* Waterworks Annuities, or of the Portions or Portion of the same Annuities to which such Notice shall relate, in such Manner and subject to such Provisions as by the said Companies Clauses Consolidation Act are contained concerning the giving of Notices to Shareholders, save only that any such Notice

Notice from the said Mayor, Aldermen, and Burgesses may be signed at any Meeting of the Council by Two Members thereof, or may be signed by the said Town Clerk or his lawful Deputy, and need not be under the Common Seal of the said Mayor, Aldermen, and Burgesses.

Mortgages and Bonds of the Waterworks Company to be charged on the Borough Fund and the Property of the Corporation in priority to Mortgages and Annuities under the recited Act.

XLI. And be it enacted, That, from and after the Completion of the Purchase by the said Mayor, Aldermen, and Burgesses of the Lands, Works, and other Property of the said Company of Proprietors, all Mortgages and Bonds previously created by the same Company under the Powers of their respective Acts shall, but without Prejudice to the Rights and Remedies of the respective Persons for the Time being entitled thereto against or with reference to the Lands, Works, and Property so to be conveyed, become charged upon the Borough Rate, and the Property of the said Mayor, Aldermen, and Burgesses, and the Rates and Rents to be levied, raised, and paid under the Authority of the said recited Act or otherwise, in the same Manner as is by the said recited Act provided concerning the Monies thereby authorized to be raised on Mortgage, but in priority to the Mortgages and Annuities to be granted under the Authority of the same Act for raising the same Sum or any Part thereof.

Power to borrow Money to pay off Mortgages when called in.

XLII. And be it enacted, That if the Council shall at any Time be called upon by the Holders of any Mortgages or Assignments to pay off the Monies secured by such Mortgages or Assignments, either at the Time mentioned in such Mortgages or Assignments or at any subsequent Time, then and in such Case, and as often as the same shall happen, it shall be lawful for the Council and they are hereby authorized to borrow such Sums of Money as they shall think proper, and at such Rate of Interest as may be necessary, in order to pay off and discharge the Mortgages or Assignments which they shall have been so called upon to pay off as aforesaid, and to charge the Rates and other Monies and Property by the said recited Act authorized to be made a Security for Money borrowed, or any Part thereof, with the Payment of such Sum, and the Interest thereof, in such Manner and subject to such Regulations as are in the said recited Act contained with respect to other Monies borrowed on Mortgage.

Expenses of Act.

XLIII. And be it enacted, That the Costs, Charges, and Expenses 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.

XLIV. 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 Amendment Act, 1848."

Public Act.

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

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