ANNO SEXTO

GEORGII IV. REGIS.

Cap. clxxi.

An Act for lighting with Gas the Town of *Oldham*, and the Neighbourhood thereof, within the Parish of *Prestwich-cum-Oldham*, in the County Palatine of *Lancaster*; and for the better supplying the Inhabitants of the said Town and Neighbourhood with Water. [22d *June* 1825.]

WHEREAS the Town of *Oldham*, in the County Palatine of *Lancaster*, is large and populous, and it would contribute much to the Safety and Advantage of the Inhabitants and the Public at large if the Streets and other public Passages and Places therein, and the Suburbs and Vicinity thereof, were lighted: And whereas the Inhabitants of the said Town and Neighbourhood have not a sufficient Supply of good and wholesome Water, and are liable to great Danger and the most calamitous Consequences from Accidents by Fire, for want of a more regular and ample Supply, and the same might be obtained from and out of certain Lands and Grounds, and the Water of certain Springs and Streams in and near *Strine's Dale* within the Township of *Oldham* aforesaid, and the Township of *Quick* within the Parish of *Saddleworth*, in the West Riding of the County of *York*, by conducting the Water from such Lands, Springs, and Streams into proper Reservoirs, and from thence to the said Town: And whereas Inflammable Air, Carburetted Hydrogen,

Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil may be produced from Coal and other Materials: And whereas the said Inflammable Air, Carburetted Hydrogen or Coal Gas, or Gas prepared from Oil, being conveyed by means of Pipes, may be used for lighting the several Streets, Highways, Squares, Market Places, Courts, Yards, Passages, Bridges, Lanes, and other Places within the said Town of *Oldham*, and the Neighbourhood and Environs thereof, within the Parish of *Prestwich-cum-Oldham* aforesaid, and for lighting Shops, Inns, Taverns, private Houses, Warehouses, public Works, Manufactories, and other Buildings; and the said Coke may be usefully employed as Fuel, and the said Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil may be used and applied in various other Ways with great Advantage: And whereas the Works which will be necessary for effecting the Purposes aforesaid will be attended with considerable Expence, and the Persons herein-after named are willing and desirous, at their own Costs and Charges, to effect the several beneficial Purposes aforesaid; but the same cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Jesse Ainsworth, William Baines, John Bamford, William Bamford, Edward Bamford, Mary Bamford, Thomas Barker, James Barker, Henry Barlow* of *Rhodes House, Elizabeth Barlow, Henry Barlow* of *High Street, Abraham Bellot, Harry Bentley, Ann Blomeley, John Boardman, William Braddock, Henry Braddock, Ellen Braddock, George B Bridges, Joseph Bradley, John Brierley, Mary Booth, Sarah Mary Butler, Robert Butterworth, Thomas Brideoake, Thomas Cawley, William Campbell, James Chadwick, Joseph Clegg, Richard Clegg, James Clegg, Elizabeth Clegg, James Cocks, James Collinge, Hannah Cowper, Thomas Cussons, George Cussons, Thomas Dixon, William Dunn, John Duncuft, Nanny Duncuft, Enoch Dunkerley, Stanley Dunkerley, George Evans, George Earnshaw, George Emmott, John Fallows, Mary Farrand, Catherine Farrand, John Fallowfield* Clerk, *Richard Fletcher, James Gleadhill, Joseph Grime, George Hallas, John Halliwell, James Hargraves, Edward Halkyard, Joseph Hartley, Thomas Heywood, Elijah Hibbert, Abraham Hilton, Ann Hilton, Hannah Hilton, John Hilton, John Holme* Clerk, *Jane Horrocks, John Jackson, Joseph Jones, Joseph Jones* the younger, *William Jones, Betty Jones, John Knott, John Lancashire, James Land, Samuel Lees, James Lees* of *Bottom-of-Moor, James Lees* of *Clarkesfield, James Lees* of *Greenbank, Robert Lees, Joseph Lees* the younger, *John Lees, Vilet Lees, Thomas Livesey, John Lowe, Jonathan Marsland, Thomas Marshall* the younger, *Jonathan Mellor, John Mellor, James Mellor, John Mills, Benjamin Newton, Joseph Newton, George Nelson, Horatio Nelson, Joseph Robson Nelson, Thomas Nield, John Nield, John Ogden, Richard Overens, Henry Platt, Thomas Potter, James Potter, Samuel Radcliffe, James Radley, Joseph Rowland, Andrew Schofield, John Shaw, John Shaw* the younger, *Hugh Shaw, James Tattersall, John Tattersall, John Taylor* of *Hargreaves, James Mayers Taylor, John Taylor* of *Glodwick, Samuel Taylor, John Travis, John Twemlow, John Wainwright* the younger, *Elizabeth Waterhouse, Sarah Whittaker, John Whitaker, John Whittaker, Mary Whittaker, Jonathan Wilde, John Wilde, William Wilson, Robert*

Proprietors incorporated.

Robert Winterbottom, Mary Wordsworth, John Worthington, George Wright the younger, *John Wrigley, James Wolfenden*, and all and every such other Person or Persons, or Body or Bodies Politic or Corporate, as shall from Time to Time become a Subscriber or Subscribers, and be duly admitted a Proprietor or Proprietors, as herein-after named, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be one Body Politic and Corporate, by the Name of "The *Oldham* Gas Light and Waterworks Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, plead and be impleaded at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment against any Person or Persons who shall commit any Felony, Misdemeanor, or other Offence indictable by the Laws of this Realm; and the said Company shall be established for the Purpose of producing Inflammable Air, Carburetted Hydrogen, Coal Gas, Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, and Essential Oil, and lighting with Gas the said Town of *Oldham*, and the Neighbourhood and Environs thereof, within the said Parish of *Prestwich-cum-Oldham*, and erecting or providing Buildings, Gasometers, Engines, and other Works for the Purpose; and also for making Reservoirs, Aqueducts, Cisterns, laying down Pipes, and executing all other necessary and requisite Works for supplying the Inhabitants of the said Town and the Neighbourhood thereof with Water.

General Meetings of Company to be holden.

II. And be it further enacted, That for the better Management and conducting the Affairs of the said Company and the Business of the said Undertaking, it shall be lawful for the several and respective Members of the said Company to meet from Time to Time when and where they shall find it convenient in the said Town of *Oldham*; and the First General Meeting of the said Company for proceeding in the Execution of this Act shall be held at the House known by the Name or Sign of *The Angel*, or at some other House or Place in the Town of *Oldham*, on the Third *Wednesday* after the passing of this Act, or as soon after as conveniently may be; and the said Company assembled at any such General Meetings shall have Power to adjourn such General Meetings, and order such future General Meetings of the said Company to be holden from Time to Time to and at such Place or Places as shall at any such General Meeting be thought proper and convenient; and in case at any Time no Adjournment of any General Meeting shall be made, or in case it shall be necessary to call a Meeting on an earlier Day than the Day to which any General Meeting shall stand adjourned, then it shall be lawful for any Six or more Members of the said Company, possessed of Ten Shares each, to call a General or Special Meeting, to be held at such Time and Place as they shall think fit in the said Town of *Oldham*, by Notice in Writing, mentioning the Time and Place and the Purpose of such intended Special Meeting; and every Question, Order, Matter, or Thing which shall be proposed, discussed, or considered by the said Company assembled at any Meeting to be held by virtue of this Act, shall be determined by a Majority of Votes of the Proprietors of Shares in the said Undertaking then present, and of Votes given by Proxy of Proprietors of Shares absent, under the Authority in Writing of such Proprietors appointing such Proxy or Proxies, the said Proxy or Proxies being a Proprietor or Proprietors of Shares

Questions to be decided by a Majority of Votes in Person or by Proxy.

Shares, and which Vote or Votes by Proxy or Proxies shall be effectual to the same Purport and Extent as if given in Person by the Proprietors respectively appointing such Proxy or Proxies; and every Proprietor of any such Share or Shares shall be considered on all Occasions as possessed of and entitled to give in Person or by Proxy so many Votes as he or she shall possess Shares in the same Concern; and if the Number of such Votes shall be equal, the Chairman presiding at such Meetings shall have the casting Vote as such Chairman, although he shall have given his Vote or Votes as a Proprietor; and every Question, if required by any Five or more Persons having collectively Fifty Votes, shall be determined by Ballot, to be entered upon and completed forthwith, in which Case the Chairman for the Time being shall, as such, in like Manner have a casting Vote.

Chairman to have casting Vote.

Form of Proxy.

III. And be it further enacted, That the Appointment of the said Proxy or Proxies shall and may be in the Words or to the Effect following; (that is to say),

'I of Proprietor of
'Shares in the Capital or Joint Stock of the *Oldham* Gas Light and
'Waterworks Company, do hereby nominate, constitute, and appoint
' of (being a Proprietor of
' Shares in the Capital or Joint Stock of the said Company),
'to be my Proxy, in my Name and in my Absence to vote and give my
'Assent or Dissent to any Business, Matter, or Thing relating to the
'Concerns of the said Company that shall be mentioned or proposed at
'any Meeting of the said Company or their Committee, as he the said
' shall think proper, according to his Opinion
'and Judgment, for the Benefit of the said Company or their Under-
'taking, or any thing appertaining thereto. In witness whereof I have
'hereunto set my Hand and Seal the Day of
'in the Year of our Lord .'

And any such Proprietor having appointed his or her Proxy, may, by any Instrument in Writing under his or her Hand and Seal for that Purpose, at his or her Will and Pleasure, revoke and make void such Appointment, and in like Manner from Time to Time on future Occasions appoint any other Person under the like Restrictions to act as Proxy for him or her in his or her Absence: Provided always, that if at such General Meeting of the said Company there shall not be Members present either as Principals or Proxies who shall be possessed of or entitled unto at least One-fifth Part of the whole Number of Shares, no Business shall be transacted at any such Meeting, except that the same may be adjourned by the Members present, or the Clerk, to some future Day, at the same Place: Provided also, that Notice of all Meetings to be held in pursuance of this Act, and of any Adjournment thereof respectively, shall be sent by the Post or other Conveyance to the Address of the several Persons whose Names and Addresses shall appear on the Books of the said Company as Proprietors of Shares in or Members of the said Company, and such Notices shall and may be sent by the Clerk of the said Company to the Address of such Proprietors or Members, as the same shall appear on the said Books, or be otherwise known by such Clerk, and the

Number sufficient to act.

Notice of Meetings.

the sending of such Notices or Letters shall be deemed and considered sufficient Notices.

Managers and Officers of Company to be appointed at General Meetings.

IV. And be it further enacted, That it shall and may be lawful for the said Company at any General Meeting to nominate, elect, and choose such and so many Managers as they shall think proper, and under the Common Seal of the said Company to appoint a Treasurer and a Clerk, and such other Officers as may be necessary for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting, from Time to Time to remove and displace such Treasurer and Clerk, or other Officers, or either of them, or any other Person or Persons who shall be here after elected and appointed to such respective Offices, and also from Time to Time to nominate, elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Clerk, or other Officer of the said Company, in the Room of such of them as shall happen to die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Treasurers, Clerks, and other Officers, or either of them, (exclusive of Managers) as at any such General Meeting shall from Time to Time be fixed and determined: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed such Treasurer, for the faithful Execution of his Office, before he shall enter thereupon, and also from all other Officers of the said Company who shall have the Care or Custody of any Money belonging to the Company.

Security to be taken from Treasurer.

Same Person not to be Clerk and Treasurer.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or

Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

General Meetings may make Bye Laws.

VI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time, at any of their General Meetings as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs and Business of the said Company, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company at any General Meeting shall seem meet and expedient; and all Rules, Orders, and Bye Laws so made as aforesaid, (being reduced into Writing, and the Common Seal of the said Company thereto affixed), shall be binding upon all Persons connected with or acting under the Directions of the said Company, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided always, that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or any of the express Provisions of this Act; provided also, that Copies thereof shall be printed, fixed, and continued in the Office of the Clerk, or other the Buildings and Premises of the said Company, and all such Rules, Orders, and Bye Laws shall be subject to Appeal in manner by this Act directed.

Proceedings to be entered in Books.

VII. And be it further enacted, That all Orders and Proceedings of the said Company, and of their Committees, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by the Chairman appointed at each respective Meeting, or for the Purposes of Adjournment only, by the Clerk of the said Company, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and Places whatsoever.

Appointment of Committee of Management.

VIII. And be it further enacted, That at the First General Meeting of the said Company to be held next after the passing of this Act, or at any Adjournment thereof, and also at any General Meeting to be held in every subsequent Year, a Committee for managing the Affairs of the said Company shall be elected out of the Proprietors of Shares of and in the Capital or Joint Stock of the said Company, and such Committee shall consist of Eleven such Proprietors, and when elected they shall be a Committee of Management for managing the Affairs of the said Company, and shall continue in Office for One Year, or until others shall be chosen in their Stead, as herein-after mentioned.

Qualification of Committee-men.

IX. Provided always, and be it further enacted, That no Person shall be eligible to or be capable of holding the Office of One of the Committee for managing the Affairs of the said Company, unless he shall be Proprietor

prietor of or entitled to Ten Shares at the least in the Capital or Joint Stock of the said Company.

Committeemen contracting for Work, to cease to have a Voice in the Committee.

X. Provided also, and be it further enacted, That if any Person who shall be elected a Member of the said Committee of Management, shall be or become a Dealer, either directly or indirectly, in any of the Articles to be provided or manufactured by the said Company, or shall offer to take, or succeed in taking, or shall participate in any Manner in any Work to be done for the said Company, every such Person shall be disqualified to be a Member of the said Committee of Management; and if any Person hereby nominated, or to be appointed by virtue of this Act a Member of the said Committee, shall at any Time cease to be a Proprietor of the Number of Shares aforesaid, or shall refuse or neglect, unless prevented by Illness or Absence from Home, to attend any Five successive Meetings of the said Committee, every such Person shall thereby be disqualified, and shall cease to act or vote at such Committee as aforesaid, and thereupon another Proprietor of such Number of Shares as aforesaid shall be elected in the Stead of such Defaulter, to be a Member of the Committee; provided also, that at every annual Election or Appointment of a Committee of Management, every and any Member of the former Committee (being otherwise duly qualified) shall be re-eligible to the Office again immediately, or at any Time or Times afterwards, notwithstanding his Time of Service shall have expired, or notwithstanding his having forfeited the Office by reason of Disqualification, in case he shall have again become duly qualified.

Election of Committeemen in case of Vacancies.

XI. And be it further enacted, That every Vacancy in the Committee of Management by Death, Resignation, or Disqualification, shall be filled up at a Special General Meeting to be called for that Purpose, within Forty Days next after such Vacancy shall happen or be known, and the Person or Persons who shall be chosen to fill such Vacancy or Vacancies shall (being duly qualified) continue in Office upon the same Terms, and only for the same Period as the Person whose Place he shall supply would have continued if his Office had not been vacated before the Time at which he must, according to the Provisions of this Act, have gone out of Office.

Proprietors may remove any of the Committee and elect others, and investigate the Proceedings of Committees, at a Special Meeting to be called as herein mentioned.

XII. And be it further enacted, That in case any Five or more of the Members of the said Company, being collectively possessed of or entitled to Fifty or more Shares in the said Undertaking, shall think proper to remove or displace all or any of the Members of any such Committee, or to inquire into and investigate the Proceedings and Accounts of any such Committee, then it shall and may be lawful for them to call a Special Meeting of the said Company, to be held at such Hour and Place within the said Town of *Oldham* as they shall think fit, provided Ten Days Notice of the Time and Place and Purport of such Special Meeting be given by the Persons calling the same, by Advertisement in One of the Papers printed at *Manchester*, or in some other Paper circulated in the Neighbourhood; and at each Special Meeting it shall be lawful for the Members then present, as Principals or Proxies, being possessed collectively of One hundred Shares at the least in the said Undertaking, and not otherwise, or the Majority of them, to remove all or any of the Committee,

and

and to elect others in their Stead, and to inquire into and investigate the Proceedings and Accounts of any such Committee, and to require the Clerk or any other Officer of the said Company, and also any Member or Members of any such Committee for the Time being, to produce the Accounts of such Committee, and a Report of their Proceedings at such Special Meeting, if required by the Notice calling or convening the same.

Meetings of Committee.

XIII. And be it further enacted, That the said Committee shall or may hold their First Meeting within Thirty Days after their being appointed, at such Time and Place within the said Town of *Oldham* as they shall think proper, and have full Power and Authority to adjourn such First Meeting, and again to meet and adjourn from Time to Time, and from Place to Place within the said Town, as they shall think fit; and the said Company shall from Time to Time appoint one of the Committee to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at any of their Meetings, shall be decided and determined by a Majority in Number of Members present (the Number present not being less than Five), and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman, such Chairman shall have the decisive and casting Vote; and if on the Day appointed for any Meeting of the said Committee, Five Members qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Members or Member then present, or if none be present, as the Clerk or Clerks of the said Company, or such other Person as shall attend in his or their Place, shall appoint; and any Two or more Members of the said Committee may at any Time when they shall think fit, call a Meeting of the Committee, by Notice in Writing, signed by such Two or more Members, or by the Clerk or Clerks to the said Company, to be sent by the Post or otherwise to the Residence or Address of every Member of such Committee.

Powers of Committee, &c.

XIV. And be it further enacted, That the Committee for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet and adjourn from Time to Time and from Place to Place; and also at any Time to call Special Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places in the said Town of *Oldham* of holding General and Special Meetings, and to direct the Affairs and Business of the said Company, as well in issuing, receiving, and laying out and disposing of all Sums of Money to be issued or received, laid out and disposed of for the Purposes of the same Company, as in contracting for and purchasing Messuages, Lands, Tenements, Hereditaments, Materials, Goods, and Chattels for the Use of the said Undertaking, and entering into Agreements or Contracts for lighting with Gas and supplying with Water the said Streets, Highways, Squares, Market Places, or Shops, Inns, Manufactories, Warehouses, private Houses, Buildings, or private Places as aforesaid, and in nominating, electing, appointing, placing, or displacing any Officer, Agent, or Servant of the said Company, (not being a Treasurer or Clerk to the said Company, who are to be elected and appointed at a General Meeting of the Company as herein-before mentioned), and with such Salaries, Gratuities, or other Recompence as

to

to the said Committee shall seem proper; and in ordering, directing, and employing the Works and Workmen, and in selling and disposing of all Articles produced as aforesaid, and in making, enforcing, rescinding, compounding, and compromising all Contracts and Bargains touching or in anywise concerning the same, subject to such Orders, Bye Laws, Rules, and Regulations as shall at any Time be duly made by the said Committee in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Committee may require such Security to be given to the said Company from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable.

No Committeeman to have more than One Vote, except the Chairman.

XV. Provided always, and be it further enacted, That no One Member of the said Committee, though he may be a Proprietor of several Shares, shall have more than One Vote in the said Committee, except the Chairman, who, in case of a Division of equal Numbers, shall have the casting Vote, although he may have given One Vote before.

Whole of Expence to be subscribed before Work is commenced.

XVI. And whereas the probable Expence of making the said Gas Works and Waterworks hereby authorized to be made will amount to the Sum of Forty-eight thousand Pounds, and more than Four-fifth Parts thereof has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them subscribed respectively; be it further enacted, That the whole of the said Sum of Forty-eight thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Empowering the Company to raise a Capital or Joint Stock.

XVII. And be it further enacted, That it shall be lawful for the said Company to apply the said Sum of Money for making and completing the several Works and Conveniences necessary for carrying into effect the said Undertaking for supplying the said Town and Neighbourhood with Water, and with Gas Light, and other Purposes, and for maintaining the same, not exceeding in the whole the Capital Sum of Forty-eight thousand Pounds; and the Capital Sum so raised and to be raised and contributed shall be divided into Shares of Ten Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall always be distinguished by the Number to be applied to the same; and the said Capital Sum shall be and is hereby declared to be the Joint Stock or Fund of the said Company, and shall be and is hereby vested in the several Persons so raising or contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum or Sums they shall severally subscribe for and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for one or more such Share or Shares, and who shall contribute or pay the same, or such Sum or Sums as shall be demanded in lieu thereof, for or towards carrying on and completing the said Undertaking and other the Purposes of this Act, shall be entitled to and receive, at such Time and Times as the said Company

shall direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so contributed, of the net Profits, and Advantages of the said Undertaking that shall and may arise and accrue to, or be raised, recovered, or received by the said Company; and every Body Politic, Corporate, or Collegiate, Person and Persons, having or holding any such Share or Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the Purposes of this Act, in manner herein directed and appointed; and all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons who shall have subscribed for or agreed to advance any Money for the Purposes of this Act, or who shall hereafter subscribe for or agree to advance any Part of any such Money, or who shall become entitled to and shall be in the actual Possession of One or more Share or Shares in the Capital or Joint Stock of the said Company, and his or her Executors or Administrators, shall be deemed to be Proprietors or a Proprietor of the Undertaking hereby authorized to be carried into effect.

Subscribers to be deemed Proprietors.

Shares to be Personal Property.

XVIII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the Capital or Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

Subscribers liable to the Debts of the Company to the Amount of their Share of the Stock.

XIX. And be it further enacted, That the several Persons composing the said Company shall severally and respectively stand responsible and answerable for all just Debts and Demands of the Creditors of the said Company, to the full Amount of their several and respective Shares in the Capital of the said Joint Stock: Provided always, that whenever Two or more Persons shall have jointly subscribed for, or shall be jointly possessed of any One Share in the said Undertaking, such Persons shall severally and respectively be answerable for the whole Amount of such Share, but not further or otherwise as aforesaid.

For enforcing Payment of Subscriptions.

XX. And be it further enacted, That the several Persons who have subscribed for or agreed to advance, or who shall hereafter subscribe for or agree to advance any Money for and towards the said Undertaking, and who shall at any Time hereafter have or hold any Share or Shares in the Capital or Joint Stock of the said Company, or shall be a Proprietor or Proprietors of the said Undertaking, shall and he and they is and are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed and to be subscribed for, and in such Parts or Proportions as shall from Time to Time be called for by the said Company or their Committee, pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Company or their Committee for the Time being; and in case any Person or Persons shall neglect or refuse to pay any such Sum at such Time or Times, and in such Manner as shall be ordered and directed by the said Company or their Committee as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest

terest for the same from the appointed Time or Times of Payment, together with full Costs of Suit from such Person or Persons respectively; and in like Cases of Neglect or Refusal, where Two or more Persons shall have jointly subscribed for, or be jointly possessed of One or more such Share or Shares, then in like Manner to sue for and recover the same, with full Costs of Suit as aforesaid, from all or any of such joint Subscribers.

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

XXI. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company shall and they are hereby required, at their first or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then have subscribed for or be entitled to Shares in the said Undertaking, with the Amount of their Subscriptions, and the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk of the said Company, and after such Entry made, to cause their Common Seal to be affixed thereto; and also shall cause a Certificate or Ticket, or Certificates or Tickets, with the Common Seal of the said Company affixed thereto, to be delivered on Demand to the said several Persons, specifying that he, she, or they is or are entitled to a Share or Shares in the said Undertaking, and the Number or Numbers of such Share or Shares, every such Proprietor paying to the Clerk to the said Company Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as Evidence of the Title of such Proprietor, and his or her Executors or Administrators, to the Share or Shares therein or thereby certified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of or Person or Party entitled to any of the said Shares from selling or disposing thereof; and which said Certificate or Ticket may be in the Words or to the Effect following; *videlicet*,

Form of Certificate.

'*Oldham* Gas Light and Waterworks Company.

'Number

'THESE are to certify, That of
'is a Proprietor of the Share Number of the Capital or
'Joint Stock of the *Oldham* Gas Light and Waterworks Company, sub-
'ject to the Rules, Regulations, and Orders of the said Company, and
'that the said his [*or* her] Executors, Administrators,
'[*or* their Successors], and Assigns, is and are entitled to such Propor-
'tion of the Profits and Advantages arising or to arise to the said Com-
'pany as shall belong to such Share. Given under the Common Seal of
'the said Company the Day of in the Year
'of our Lord .'

For ascertaining the Proprietorship of Shares in certain Cases.

XXII. And in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk or Clerks to the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to learn who is or are the Owner or Proprietor or Owners or Proprietors

Proprietors of such Share or Shares, in order to give him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, Notice or Notices of Calls to be made on such Share or Shares, and to maintain any Action or Actions, Suit, or other Proceedings, against him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, or his, her, or their Executors, Administrators, Successors, or Assigns, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Subscriber or Subscribers, or any Proprietor or Proprietors thereof, to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner in this Act specified, an Affidavit shall be made and sworn by Two credible Persons before a Master or Master Extraordinary of His Majesty's High Court of Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which a Share or Shares hath or have passed to such other Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, and that such Affidavit shall be submitted to the Clerk of the said Company, to the Intent that he or they may enter and register the Name or Names of every such other Proprietor or Proprietors in the Register Book or List of Subscribers and Proprietors to the said Undertaking, to be kept in the Office of the Clerk to the said Company; and that in all or any of the said Cases, after Two Calendar Months Notice in Writing shall have been given by the said Clerk to the Owner or Owners thereof, or left at his, her, or their last or usual Place or Places of Abode, to pay his, her, or their Proportion of Money so to be called for, and such Person or Persons, his, her, or their Executors, Administrators, Successors, or Assigns, shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the Subscribers and Proprietors at any General Meeting after the Expiration of such Notice, to declare the same Share or Shares to be forfeited, and then and in such Case the same shall and may be sold and disposed of in such Manner as the said Subscribers or Proprietors at any Meeting or Meetings shall direct, or otherwise become consolidated in the general Fund of the said Company.

In case of joint Proprietors, the Person whose Name stands first to be deemed Proprietor.

XXIII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company shall be deemed to be the Proprietor of such Share or Shares for the Purposes next herein-after mentioned; (that is to say), such Person shall have the sole and entire Right of voting at all Meetings of the said Company in respect of such joint Share or Shares; and when any Notice in pursuance of this Act shall be given to such Person, the same shall be considered as a Notice given to all the Proprietors of such joint Share or Shares.

Calls to be made.

XXIV. And be it further enacted, That the said Company or their Committee for the Time being, shall have full Power and Authority to make such Call or Calls for Money from the several Proprietors or Subscribers of Shares in the said Undertaking, their Executors, Administrators,

tors,

tors, Successors, and Assigns, as the said Company or their said Committee shall from Time to Time find expedient for the Purposes of the said Undertaking, so that no one such Call do exceed Two Pounds Ten Shillings upon each Share of Ten Pounds, and no such Calls shall be made but at the Interval of Two Calendar Months at least from each other, and so that the total Amount of such Calls shall not exceed the Sums subscribed for by the several Proprietors; and the several Sums of Money which shall be so called for shall be paid into the Hands of the Treasurer of the said Company for the Time being, at such Times and Places as shall be appointed by the said Company or such Committee, of which Times and Places Thirty Days Notice at least in Writing shall be given by the Clerk of the said Company to the several Persons liable to pay such Calls, which Notice may be sent by the Post, or in such other Manner as the said Company or such Committee shall direct in that behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of Money so to be called for, during the Space of Three Calendar Months next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, or Interest in the said Undertaking and Capital Stock, and all Profits and Advantage thereof, and all Money theretofore advanced by him, her, or them, or by any other Person or Persons on account thereof, to and for the Use and Benefit of the rest of the said Company, but nevertheless no Advantage shall be taken of any such Forfeiture of any Share or Shares until after Twenty-one Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor or Proprietors thereof, or left at his, her, or their usual Place or Places of Abode, nor unless the same Share or Shares shall be declared to be forfeited at some General or Special Meeting of the said Proprietors, held not sooner than Two Calendar Months after such Forfeiture shall take place; and every such Forfeiture when so declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever at Law or in Equity, for any Breach of Contract between such Proprietor or Proprietors so forfeiting and the said Company, in regard to the future Prosecution of the said Undertaking.

Notice thereof.

Shares forfeited on Nonpayment of Calls.

XXV. And be it further enacted, That when any Share or Shares of any Person or Persons in the said Undertaking shall by virtue of this Act have become forfeited to or become vested in the said Company as aforesaid, then and in every such Case it shall be lawful for the said Company, or their Committee for the Time being, and they are hereby authorized and empowered, from Time to Time to sell or cause to be sold, by public Auction or private Contract, and by Writing under the Common Seal of the said Company to assign and transfer, such and so many of the Share or Shares of such Defaulter or Defaulters as the said Company or their Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns, and such Assignments and Transfers shall be good, valid, and effectual against

Company empowered to sell Shares becoming forfeited.

the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales, the Surplus of such Money shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged, or shall appear by such Affidavit or Affidavits as herein-before mentioned to have belonged; provided also, that the said Company or their Committee shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be deemed sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares may be transferred.

XXVI. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and any of them, their Executors, Administrators, Successors, and Assigns, to sell and transfer any such Share or Shares of which they shall respectively be possessed; and every such Transfer shall be in the Form or to the Effect following; (that is say),

Form of Transfer.

'I [*or* We] of in consideration
'of the Sum of paid to me [*or* us] by
'of do hereby bargain, sell, and transfer to the
'said Share, [*or* Shares, *as the Case may be*], numbered
' of and in the Capital or Joint Stock of the *Oldham*
'Gas Light and Waterworks Company, to hold to the said
'Executors, Administrators, and Assigns, subject to the same Rules,
'Orders, and Restrictions, and on the same Conditions that I [*or* we]
'held the same immediately before the Execution hereof; and I [*or*
'we] do hereby agree to take and accept the said Share
'[*or* Shares], subject to the same Rules, Orders, Restrictions, and Con-
'ditions. As witness my Hand and Seal, [*or* our Hands and Seals], this
' Day of in the Year of our Lord .'

Transfer to be registered.

And every such Transfer shall be produced and notified to the Clerk of the said Company, and shall be entered and registered in the Books of the said Company, and the Entry or Registry thereof shall specify the Date, Names of the Parties, and the Number of Shares transferred, for which Entry and Registry the Sum of Two Shillings and Sixpence shall be paid to the Clerk or other Officer making the same; and a Copy of such Registry, signed by the Clerk or other Officer of the said Company duly authorized thereto, shall be sufficient Evidence of every such Sale and Transfer, and received as such in all Disputes, and in all Trials before any

any Court in the United Kingdom; and that until such Transfer shall be entered or registered in the Books of the said Company as aforesaid, no Purchaser of any Share or Shares, their Executors, Administrators, Successors, or Assigns, shall have any Part or Share in the said Undertaking, or in the Profits and Advantages thereof, nor shall receive any Interest or Dividend for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as Proprietor or Proprietors of Shares in the said Undertaking.

After a Call no Share to be sold until Money paid.

XXVII. Provided always, and be it further enacted, That after any Call of Monies shall be made by a General Meeting of the said Company as aforesaid, no Person or Persons shall sell or transfer any Share or Shares in the said Undertaking, until the Monies to be called for upon the Share or respective Shares so to be sold shall be paid, unless, he, she, or they shall at the Time of such Sale or Transfer pay the Money called for upon each Share so sold or transferred, to the Treasurer of the said Company, such Forfeiture nevertheless to be declared at a General Meeting in manner aforesaid.

Accounts and Dividends when to be settled and made.

XXVIII. And be it further enacted, That the General Annual Meeting of the said Company, or any General Meeting or General Meetings to be specially called for the Purpose, shall have full Power to call for and examine and settle the Accounts of the said Company and of the said Committee; and that at One of the said General Meetings, or some Adjournment thereof, in each Year, a Dividend or Dividends shall be made out of the Interest, Profits, or Advantages of the said Undertaking, unless such Meeting shall declare otherwise; and such Dividend or Dividends shall be at and after the Rate of so much *per Centum* for every Share upon all and every the Sum and Sums of Money paid to the said Company by the said Subscribers, their Executors, Administrators, Successors, or Assigns, as such Meeting shall think fit to appoint and determine: Provided always, that no Dividend shall be made whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor within Twelve Calendar Months next after the passing of this Act, nor shall any Dividend be had in respect of any Share or Shares after a Day appointed for the Payment of any Call for Money in respect thereof, until such Call shall have been so paid.

Treasurer, &c. not to issue Money without an Order.

XXIX. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer, or other Officers to be appointed by the said Company, on account of the said Company, without an Order or Orders made at a General Meeting of the said Company, or without an Order or Orders made by a Committee of the Company, in Writing, signed by the Chairman of the Committee for the Time being, and Three Members at least of the said Committee present at some Meeting of the said Committee.

Power to raise Money by Mortgage of the Undertaking.

XXX. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising any Sum which may be necessary for the Purposes aforesaid, not exceeding the Sum of Twenty thousand Pounds beyond what is already subscribed, it shall be lawful for the said Company to borrow and take up at Interest all or any Part of such additional

tional Sum, in One Sum or more, on the Credit of the said Undertaking, and to assign the Property of the same Undertaking, and the Profits and Advantages arising or to arise to the said Company by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Sums of Money), as a Security for any Sum or Sums of Money so to be borrowed, with lawful Interest for the same, to such Person or Persons, or to his, her, or their Trustee or Trustees who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company, and shall be in the Form or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act made in the Sixth Year of the Reign of King 'George the Fourth, intituled *An Act* [*here insert the Title of this* '*Act,*] we the *Oldham* Gas Light and Waterworks Company, incor- 'porated by and under the said Act, in consideration of the Sum of 'to us in hand paid by *A. B.* of 'do hereby bargain, sell, and assign unto the said *A. B.*, his Executors, 'Administrators, and Assigns, the said Gas and Water, and all the Works 'thereto belonging, and all and singular the Sums of Money arising and 'payable to us for Gas and Water by virtue of the said Act, and all our 'Estate, Right, Title, and Interest of, in, and to the same; to hold unto 'the said *A. B.*, his Executors, Administrators, and Assigns, until the 'said Sum of with Interest for the same after the 'Rate of *per Centum per Annum*, shall be fully paid 'and satisfied. Given under our Common Seal this Day 'of in the Year of our Lord One thousand eight hundred 'and .'

And every such Assignment to be so made and granted by the said Company shall be fairly copied in a Book or Books to be kept for that Purpose by the Clerk to the said Company.

No Priority of Mortgages.

XXXI. And be it further enacted, That all Persons to whom such Assignment shall be made shall be equally entitled one with the other to the said Undertaking, Profits, and Advantages so to be assigned, in proportion and according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments, or on any other Account; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, which Transfer shall and may be in the Form or to the Effect following; (that is to say),

Mortgages may be transferred.

Form of Transfer of Mortgage.

'I *A. B.* of in consideration of the Sum of 'paid by *C. D.* of do hereby transfer a 'certain Mortgage made by the *Oldham* Gas Light and Waterworks 'Company to bearing Date the Day 'of for securing the Sum of and all 'Interest now due and to become due thereon, and all my Right and 'Property therein, to the said *C. D.*, his Executors, Administrators, and 'Assigns. Dated this Day of in the Year of 'our Lord One thousand eight hundred and .'

And

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk to the said Company, who shall cause a Memorial to be made thereof, in like Manner as the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; but neither such Mortgagee or Mortgagees, nor his or their Assignee or Assignees, shall be deemed a Proprietor of the said Undertaking, or be capable of acting in any respect as such. Transfers to be registered.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Company (or their Committee of Management) and they are hereby empowered to treat, contract, and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the several Townships of *Oldham* and *Quick* aforesaid, which shall be necessary for the Purposes of this Act, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Trustees, Executors, Administrators, Husbands, Guardians, Lords of Manors, or Committees of or for Lunatics or Idiots, or other Trustees whomsoever, or with any Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any other Person or Persons whomsoever who shall be willing to sell the same for the Uses and Purposes of this Act; and it shall and may be lawful to and for the said Company to hold any such Lands, Tenements, and Hereditaments so to be purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and also at any Time or Times thereafter to sell or dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase and hold other Lands, Tenements, or Hereditaments, more suitable for the Uses and Purposes of this Act, and again to sell the same in like Manner; and also to treat, contract, and agree with the Proprietors and Occupiers of any Lands or Grounds wherein any Springs or Streams now are or may hereafter be found, discovered, or flow, for the Purchase of such Lands or Grounds, as may enable the said Company to convey the Water of such Springs or Streams to any Reservoir, or Drains, or other Works of the said Company, or for the Purchase of any Springs or Streams, or the Use of any Springs or Streams, or any Interest therein, or Claim or Demand of any Person or Persons, Bodies Politic or Corporate thereto, or to the exclusive or other Use of any Springs or Streams, or of any Rights, Interests, or Easements necessary to enable the said Company to have and enjoy the Use and Benefit of any such Springs and Streams, for the Purpose of increasing the Supply of Water for the Benefit of the said Town and Neighbourhood, and Improvement of the said Waterworks, for the Purposes of this Act. Power to contract for the Purchase of Lands, &c.

Bodies Politic, &c. empowered to sell.

XXXIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Company to be purchased as aforesaid for the Use and Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Company for the Purposes of this Act.

Lords of Manors may agree with Company:

XXXIV. And be it further enacted, That it shall be competent to the Lord or Lords, Lady or Ladies of the Manor where any Waste Lands or Road or Roads may be taken or used, or be cut through, or any Privileges wanted to be exercised therein for the Purposes aforesaid, or any of them, to make such Agreements, Contracts, Conveyances, and Grants of such last-mentioned Lands and Grounds, or the Privileges required therein for the Purposes aforesaid, without any Commoner or Commoners, or other Person or Persons interested in such Waste Lands or Roads, joining therein; and the Receipt or Receipts of such Lord or Lords, Lady or Ladies, for the Purchase Money or Satisfaction to be made in respect thereof, shall be good and sufficient Discharge and Discharges to the said Company, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons, is, are, and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

XXXV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Company, shall be made in the Form and to the Effect following, or as near thereto as may be; (that is to say),

Form of Conveyance.

'I [*or* We, *as the Case may be*], of
'in consideration of the Sum of paid to
'me [*or* us, *or* into the Bank of *England*, *as the Case may be*], by the
'*Oldham* Gas Light and Waterworks Company, do hereby grant and
'release [*or* assign, *as the Case may be*], to the said Company, all [*here*
'*describe the Premises to be conveyed*], and all my [*or* our] Right, Title,
'and Interest in and to the same, and every Part thereof; to hold to the
'said

'said Company for ever, [*or, as the Case may be*] during all the Remain-
'der of my [*or* our] Term, Estate, or Interest in the said Premises. In
'witness whereof, I [*or* we] have hereunto set my Hand and Seal [*or* our
'Hands and Seals], this Day of
'in the Year of our Lord One thousand eight hundred and .'

In case of Refusal to treat, or if the Parties disagree, &c. the Price and Damages to be ascertained by a Jury.

XXXVI. And be it further enacted, That the said Company shall and they are hereby required to pay, or to offer to the Owners and Occupiers of and Persons interested in any Lands, Tenements, Waters, and other Hereditaments which it shall be requisite to purchase, take, or use for the Purpose of making or constructing Reservoirs, Aqueducts, and other Works necessary for supplying the said Town and Neighbourhood with Water, or which shall be thereby injured or damaged, a Sum or Sums of Money fully adequate to the Value thereof, and to such Injury or Damage; and if any Body Politic, Corporate, or Collegiate, or any Corporation, whether Aggregate or Sole, or any Feme Covert, or any Tenant for Life, or Tenant in Tail General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever interested in any such Lands, Tenements, Waters, or other Hereditaments (which are described or intended so to be in the Map or Plan and Book of Reference herein-after mentioned), shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of such Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or of their respective Rights, Titles, Claims, or Interests into or upon the same, or any Part thereof, unto the said Company, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to such Premises whereof they are in the Possession, or to the Interest they claim therein, to the Satisfaction of the said Company (as the Case may be); or in case the Parties shall not agree concerning the Amount of such Price, Satisfaction, and Compensation as aforesaid, within the Space of Twenty Days next after Application shall have been made for that Purpose by or on behalf of either of the Parties aforesaid to the other of them, or by reason of Absence or otherwise, such Person or Persons as aforesaid cannot be applied to, or shall be prevented from treating, then and in every such Case it shall be competent to any or either of the Parties to give Notice in Writing to the other of such their, his, or her Intention to have such Price, Satisfaction, and Compensation ascertained and fixed in the Manner herein-after mentioned; and such Notice shall be considered as well served on the said Company by being delivered to or left at the usual Place of Abode of the Treasurer or Clerk to the said Company, and on the other Party by being delivered to him or her, or left at his or her last or usual Place of Abode, or of the Tenant or Occupier of the Lands, Grounds, Tenements, or Hereditaments respecting which such Dispute or Question shall arise; and in case no Agreement shall be concluded between the Parties within Ten Days after such Notice, then and in such Case any Two or more of His Majesty's Justices of the Peace in and for the said County or Riding (as the Case may be or require), residing near to the Place in question, shall, upon the Application of the

Party

Party having so given the said Notice, and upon Proof thereof, issue their Warrant or Precept, under their Hands and Seals, to the Sheriff of the County in which the Land or Ground or Premises concerning which such Dispute, Disagreement, Inability, or Delay shall arise shall be, requiring him to summon, return, and impannel, and he shall accordingly summon, return, and impannel Twenty-four indifferent Men of such last-mentioned County or Riding, at such Time and Place as shall be required in such Precept or Warrant, to enable the said Justices to make and swear, and they shall make and swear a Jury of Twelve indifferent Men of such County or Riding between the Parties, out of such Twenty-four, if a sufficient Number appear and are sworn, and if not, then the said Sheriff, or his Deputy, shall summon and return a sufficient Number of Bystanders, or Persons that can speedily be procured for that Service, who shall be sworn upon the said Jury, until the Number of Twelve shall be complete, to make a Jury between the Parties, and all Persons may have their lawful Challenges to such Jurymen when they come to be sworn; and any one of such Justices is empowered and required, upon Application by either of the Parties, by Warrant under his Hand and Seal, to call before such Justices and Jury as aforesaid all and every Person and Persons who shall be thought necessary to be examined touching the Premises, and to examine such Person or Persons in the Presence of such Jurymen; and such Justice is hereby authorized and required to swear such Jurymen well and truly to try the Matter in dispute between the Parties, and give a true Verdict therein, and also such Persons as attend to give Evidence to give the same truly, or being Quakers, take their Affirmation so to do; and the said Justices shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his or their Deputy or Deputies, Bailiffs or Agents, making default in the Premises, or on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on such Jury, or being so sworn, shall refuse to give, or shall not give their Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury touching the Premises, shall refuse or wilfully neglect to appear, or shall refuse to be sworn and give Evidence; and from Time to Time to recover, levy, and apply such Fine or Fines in the same Manner as any other Forfeitures or Penalties are by this Act directed to be recovered, levied, and applied, so that no such Fine shall exceed the Sum of Ten Pounds upon any one Person for any one Offence; and the said Justices may, if they shall think fit, order and authorize the said Jurymen, or any Six or more of them, to view the Place or Places, Matter or Matters in question; and the said Jury by their Verdict, upon their said Oaths, shall inquire of, assess, and ascertain the Sum or Sums of Money or annual Rent then in question, and to be paid for the Purchase or Acquisition of any Lands, Grounds, Tenements, or Hereditaments which shall have been set out and ascertained for Buildings, Retorts, Gasometers, Receivers, Conduits, Reservoirs, Cisterns, or other Works and Conveniences for any of the Purposes of this Act hereby authorized to be made, and also the Sum or Sums of Money or annual Rent then in question to be paid for the Use hereby authorized to be made of, and the Privilege to be exercised in or derived from any Lands, Tenements, or Hereditaments

Penalty on Sheriffs, Jurymen, or Witnesses making Default.

for

for the Purposes of this Act, by erecting Buildings, Gasometers, Retorts, and other Works, and by laying and placing such Pipes, Drains, Aqueducts and Conduits for carrying into Execution the Powers and Privileges granted by this Act, and the Recompence and Compensation then in question to be made for the Damages that shall or may be or have been sustained in or about the Premises or otherwise, in the Execution of any of the Powers and Authorities herein contained, and the said Justices then and there present shall give Judgment according to the Verdict of the said Jury; and the said Proceedings shall from Time to Time be binding and conclusive to all Intents and Purposes whatsoever upon all Parties thereto, their Successors, Heirs, Executors, and Administrators, and all and every Person and Persons, Bodies Politic and Corporate, Infants, Issue born or unborn, Lunatics, Idiots, and Femes Covert, and Persons under any legal Incapacity or Disability, claiming, or who shall or may thereafter claim, any Estate, Right, Title, Use, or Interest of, into, or out of the said Lands, Tenements, and Hereditaments in question and under consideration in the giving of such Verdict and Judgment; and the aforesaid Verdicts, Judgments, and other Proceedings shall be drawn up and made into Records, and signed by the Justice or Justices acting therein, and shall not be removed or removable by Certiorari or any other Process, but shall be left with the Clerk of the Peace of the County or Riding in which the said Lands, Tenements, or Hereditaments shall lie or be, and be filed by him, among other Records in his Possession, where they shall remain; and the same, or true Copies thereof, shall be good Evidence thereof, and of such Proceedings, in any Court of Law or Equity; and all Persons may have recourse thereto, and Copies thereof, or Extracts therefrom, on paying One Shilling for such Inspection, and after the Rate of Sixpence for every One hundred Words for every such Copy or Extract.

Verdict of Jury not to be binding, unless the Money be paid within Six Calendar Months.

XXXVII. Provided always, and be it further enacted, That in case the Sum or Sums so assessed by the Jury, or awarded by a Justice as hereinafter mentioned, and ordered and adjudged to be paid by the said Company as a Satisfaction or Compensation to the Owners, Occupiers, or others for their respective Interests, shall not be paid, tendered, left, or deposited, according to the true Intent and Meaning of this Act, within Six Calendar Months after the same shall have been so assessed, ordered, and adjudged or awarded, then and in such Case the Verdict of the said Jury or Award of such Justice shall not be binding upon the said Parties; any thing herein contained to the contrary thereof in anywise notwithstanding.

Expences of Jury, how to be paid.

XXXVIII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Company for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and of taking such Inquest, and the Expence of Witnesses, shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by some Justice of the Peace

not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties therein to attend for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Company, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Company shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Company; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

Application of Compensation Money amounting to 200*l.*

XXXIX. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the *Oldham* Gas Light and Waterworks Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King

King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out by Order of the said Court, to be obtained in a summary Way, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in other Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled. 1 G. 4. c. 35.

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

XL. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed

to

to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands of the Parties nominating such Trustees, and under the Common Seal of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 20*l.*

XLI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Titles, or Persons entitled not being found.

XLII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and

and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of questionable Title of Persons in Possession.

XLIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

If Damages less than 20*l.* same to be settled by a Justice.

XLV. And be it further enacted, That in case the Value or Amount of any Compensation to be made for any of the Lands, Tenements, or Hereditaments aforesaid, or for any such Damages, shall be alleged to amount to any Sum under Twenty Pounds, then such Value, Compensation, or Satisfaction shall or may be ascertained and settled by any Justice

Justice of the Peace, and shall and may be levied and recovered by Warrant under the Hand and Seal of any such Justice, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justice, by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer, unless such Treasurer shall pay and discharge the same, which he is hereby authorized and empowered to do out of any Monies received or to be received by him as such Treasurer as aforesaid.

On Payment, &c. of Purchase Money, Lands, &c. to be vested in the Company.

XLVI. And be it further enacted, That on Payment or Tender of the Money so as aforesaid agreed for, or so assessed and adjudged, and such Costs as aforesaid, when payable by the said Company, and of the Residue of the said Money so assessed, after deducting such Costs, when and in such Cases as the said Company shall be entitled to Costs, to the respective Person or Persons entitled to such Money, or into the Bank of *England*, in manner herein-before mentioned, as the Case may be, within Three Calendar Months after the same shall have been so agreed for, assessed, or adjudged, then and in such Case it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon, take, and enjoy the Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender, by Leave of the Owners and Occupiers thereof), and then and thereupon such Lands, Tenements, and other Hereditaments, for which such Money shall be so paid, offered, or deposited, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the Property of the said Company, to and for the Purposes of this Act for ever; and such Payment, Offer, or Deposit for the same as aforesaid shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to or for whom the same shall have been made, but also shall extend and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever claiming under them; and where such Payment, Offer, or Deposit shall be in respect of Damages or annual Payments, the same shall be and amount unto a Satisfaction for such Damages or annual Payments.

Power to resell Lands not wanted.

XLVII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of, and by Indenture or Indentures under their Common Seal to grant and convey, by way of absolute Sale in Fee Simple, for a competent Consideration in Money, all or any Part or Parts of Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall and may be lawful for the Treasurer for the Time being to the said Company to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged to be received, and such Purchaser or Purchasers having *bonâ fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XLVIII. Pro-

First Offer to whom to be made.

XLVIII. Provided always, and be it further enacted, That the Person or Persons who was or were the Owner or Owners of the said Premises at the Time when the same were purchased or taken by the said Company for the Purposes of this Act, or the Proprietors of the adjoining Lands, shall have the first Preference of purchasing such Part or Parts of the said Premises as shall be found unnecessary as aforesaid; and in case any such former Owner or Owners, or adjoining Proprietors, shall, upon the same being offered to him or them by the said Company on that Behalf, decline or refuse to purchase the same, then and in every such Case an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, by some Person or Persons not interested in the Premises, stating that such Offer was made by and on behalf of the said Company, and that such former Owner or Owners or adjoining Proprietors declined or refused to purchase the same Premises, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was declined or refused by such former Owner or Owners, or adjoining Proprietors; but in case such former Owner or Owners, or adjoining Proprietors, shall be desirous of repurchasing the same, and cannot agree with the said Company in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by any Justice or Justices of the Peace for the said County, upon Application made to him or them by either of the said Parties, and upon hearing both the said Parties and Evidence on their Behalf respectively, or without such Hearing upon the Contumacy of either Party, after Proof of Service of sufficient Notice of the Intention of the other Party to apply to such Justice or Justices; and all Monies to arise by any Sale or Sales which may be made by the said Company of the said Premises, or any Part or Parts thereof, shall be applied to the general Purposes of this Act; but the Purchaser or Purchasers thereof, having paid his or their Purchase Monies to the Treasurer of the said Company, and obtained his Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Nonapplication of the same.

Limiting the Quantity of Land to be purchased for Gas Works;

XLIX. Provided always nevertheless, and be it hereby further enacted and declared, That it shall not be lawful for the said Company to purchase or hold, for the Purposes of erecting Gas Works or any other Purpose, except for making and constructing Reservoirs, Aqueducts, and other Works necessary for supplying the said Town and Neighbourhood with Water, more than Three Statute Acres of Land.

and also restraining Resale thereof and Purchase of other Land from incapacitated Persons, &c.

L. And be it further enacted, That in case the said Company shall purchase the said Three Statute Acres of Land or Ground, or any Part thereof, or any Land or Ground in lieu of the same, or of any Part thereof, of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes; Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time

Time afterwards sell the Whole or any Part of such Land or Ground so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Land or Ground in lieu of the Land or Ground so sold as last aforesaid of or from the same, or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity; nor shall it be lawful for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of such Three Statute Acres of Land or Ground, or any Part thereof so sold or disposed of by the said Company.

Power to erect and make Retorts, &c. and to lay Pipes.

LI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, by their Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus upon any of the Lands, Tenements, or Hereditaments which the said Company may purchase for the Purpose, in such Manner as the said Company shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil and Pavement of any Streets, Highways, Roads, Ways, Lanes, Passages, and other Places, or any Part of them, and to dig Trenches and Drains, and lay Main and other Pipes, and put Stopcocks, Siphons, Plugs, or Branches from such Pipes from the Gasometer or Works, in, under, across, and along such Places as aforesaid, and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying any such Light as aforesaid; and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, Siphons, and Plugs, or Branches; also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, Passage, or other Place by the said Company, by virtue of this Act, into or through or against any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purpose of lighting the same, or any public or private Lamp, from any such Main or other Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been placed, or which shall be injured or damaged in such Dwelling House or Houses, Manufactories, public or private Buildings, and to do all such other Acts, Matters, and Things as the said

said Company shall from Time to Time think necessary for completing, amending, repairing, improving, supplying, and using the same.

Company not to carry or fix Pipes against private Houses, &c. without Consent.

LII. Provided nevertheless, and be it further enacted, That nothing herein contained shall authorize or empower the said Company to carry or lay any Pipe or Pipes through or against any Dwelling House or Houses, Manufactories, public or private Buildings, or any other Place or Places, or so to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House or Houses, Manufactory, public or private Buildings or Yards, through or against which any Pipe or Pipes may be carried or laid for the Purposes aforesaid.

Company to remove Pipes, &c. on private Property on Notice.

LIII. Provided also, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Gas Main or Gas Pipe of the said Company into, through, or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance of and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground into or through which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such their Desire shall give Notice in Writing to the said Company, then and in every such Case the said Company shall, at the Cost and Charge of the Parties requiring the same, within Seven Days after Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main or other Pipe of the said Company as aforesaid; and in default thereof it shall be lawful for such Owners or Occupiers, or any other Person or Persons acting under their Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require.

Pavements, &c. not to be taken up without Consent of Persons having the Property thereof.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company, or any of their Officers, Agents, or Servants, to break up the Soil of all or any Part of any of the Streets, Roads, Squares, Market Places, or other public Passages or Places in the said Town and Neighbourhood, without the Consent of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having the Property of such Soil, in Writing, for that Purpose.

After Consent allowed for Company to break up Pavements, no further Consent necessary.

LV. Provided always, and be it further enacted, That in all Cases where any Consent is required to be and shall be obtained by the said Company to break or take up or remove any Pavement, Soil, or Ground in or of any Street, Road, Square, Market Place, or other public Passage or Place in the said Town and Neighbourhood, in order to lay down any Main or Mains, Pipe or Pipes, to convey Gas, or for any other Purpose which may be required under this Act, nothing in this Act contained shall, after such Consent obtained as aforesaid, and after Twenty-four Hours previous Notice (or in case of Emergency, after Three Hours previous Notice)

Notice) in Writing from the said Company or their Clerk, given to or left at the Place of Abode of such Person or Persons, or at the Office of the Clerk or Agent, or at the other Place of transacting Business of such Body or Bodies Politic, Corporate, or Collegiate, having the Property of such Soil or Pavement, be deemed or construed to extend to prevent the said Company from repairing such Main or Mains, Pipe or Pipes, or from breaking or taking up or removing any Pavement, Soil, or Ground in or of such Street, Highway, Road, Square, Market Place, Passage, or other public Place, for the Purpose of laying down or repairing any such Main or Mains, or any Pipe or Pipes whatsoever, or for any other Purpose which may be required under this Act.

Directing how Pipes shall be laid down.

LVI. Provided always, and be it further enacted, That no Gas Pipes belonging to the said Company shall be laid down at a less Depth than Twenty Inches beneath the Pavement in any of the Streets or Places within the said Town and Neighbourhood (except in passing over Bridges and Vaults); and that the said Company shall and they are hereby required, at their own Costs and Expences, to relay, reinstate, and make good all such Ground and Pavement in any of the Streets and Places within the said Town and Neighbourhood as shall be broken and taken up, either for the Purpose of laying down, or for repairing, relaying, and amending any Mains, Pipes, Cocks, or Plugs to be made or laid down by virtue and in pursuance of this Act, or afterwards repaired, relaid, or amended; and if the said Company shall neglect to repair, reinstate, and make good such Ground and Pavement with all convenient Speed, they shall for every such Offence forfeit and pay the Sum of Five Pounds; one Moiety whereof shall be paid to the Informer, and the other Moiety to the Poor of the Township where any such Neglect shall happen; to be recovered by Action of Debt or on the Case, in any Court of Law.

Workmen in laying Pipes to make good the Pavement.

LVII. Provided always, and be it further enacted, That the Workmen employed in laying or repairing any Gas Mains, Gas Pipes, Plugs, Cocks, Siphons, or Branches to be laid, placed, or fixed by virtue of this Act, shall do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavement and Roads, and carry away the Rubbish occasioned thereby; and if, after such Pavements or Roads shall have been so repaired and made good, the same shall, within Six Calendar Months thereafter, give way, settle, or lower, or require relaying or repairing in consequence of such Pavements or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall be forthwith done and performed by and at the Expence of the said Company; and the said Company shall and they are hereby required in the meantime sufficiently to fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages, and by and according to the Directions and Provisions contained in all or any of the Acts of Parliament which may or shall be in force for lighting the said Town and Neighbourhood of *Oldham*; provided also, that if there shall be any wilful or negligent Delay in the said Company, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads; or in case the same

shall

shall be imperfectly repaired, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the Surveyors of the Highways, or other Person or Persons, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Pavements or Roads shall be, or his or their Surveyor or Surveyors, or any other Person or Persons acting by or under their Authority, or the Surveyors of the Highways within the said Town and Neighbourhood of *Oldham* for the Time being, to fill in such Ground, and remove such Rubbish, and to repair and make good the Pavement of any Streets, Roads, Squares, Market Places, Passages, or other Places so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Company, or their Treasurer or Treasurers; and in Default of Payment thereof for Thirty Days next after Demand made for the Payment thereof, Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace, (such Justice or Justices not being interested in the Matter in question), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by a Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby empowered to grant; and such Penalties, Costs, Charges, and Expences, shall be paid to the Commissioners or Trustees, or Persons having the Property in the Soil, as the Case may be.

Company may contract for lighting any public or private Places with Gas, and may sell their Coke, &c.

LVIII. And be it further enacted, That it shall be lawful for the said Company or their Committee to enter into or make any Contract or Contracts or Agreements with any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate, or any Surveyor of the Highways, or any other Person or Persons whomsoever, for lighting with Gas the said Town of *Oldham*, and the Neighbourhood and Environs thereof, within the said Parish of *Prestwich-cum-Oldham*, or any of the Streets, Highways, Roads, Squares, Market Places, Courts, Yards, Passages, Bridges, Lanes, Ways, or other public Passages or Places therein, or of any public Buildings or Places of public Exhibition, or for supplying with Gas any Inns, Taverns, Manufactories, Warehouses, or Shops, or private Houses therein, upon such Terms, or for such Rents, Payments, or Sums of Money as shall be agreed upon by the said Company and the respective Parties and Persons so desirous of being supplied with Gas; and it shall also be lawful for the said Company to sell and dispose of all or any of the Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, and other Matters and Things produced in the Process of making the Gas.

Penalty on Washings draining into Rivers, Wells, &c.

LIX. Provided always, and be it further enacted, That if the said Company, or any Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and the Neighbourhood thereof, for lighting any Street, Highway, or Place, or any House, Manufactory, or

or other Building therein, shall at any time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, Well, Drain, Sewer, or Ditch, then and in every such Case the said Company, Body or Bodies, or Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than one Imparlance shall be allowed; and the whole thereof shall be paid to the Person or Persons who shall inform or sue for the same; provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time of such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined; provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons whomsoever, to the said Company, Body or Bodies, Person or Persons as aforesaid, and the said Company, Body or Bodies, Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given to them as aforesaid, stop, hinder, and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company, Body or Bodies, Person or Persons as aforesaid, shall forfeit and pay the sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer,

or

or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

For stopping the Escape of Gas.

LX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Company, or by any Body or Bodies Politic, Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and the Neighbourhood thereof, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Company, or Body or Bodies, Person or Persons as aforesaid, shall at their own Expence immediately after Notice by Parol or in Writing of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent, and shall stop and prevent such Gas from escaping; and in case the said Company, or Body or Bodies, Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company, or Body or Bodies, Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, before some one or more Justice or Justices of the Peace, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, or Body or Bodies, Person or Persons as aforesaid, by the Warrant of any such Justice or Justices of the Peace as aforesaid.

Gas to be supplied cheaper than Oil.

LXI. Provided always, and be it further enacted, That in case the said Company shall at any Time hereafter contract with any Person or Persons, Body or Bodies Politic or Corporate, for lighting any of the public Lamps in any of the public Streets, Roads, Squares, or Market Places, or other public Places within the said Town and Suburbs, the said Company shall and they are hereby directed and required to supply such public Lamps, which they shall so contract to light, with Gas of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil Lamps; and whenever the said Company shall fail so to do, the Power and Authority hereby given to the said Company further to break up the Soil or Pavement of any such public Street, Road, Square, or Market Place, or other public Place in the said Town and Neighbourhood, where such public Lamps shall be situated, shall from thenceforth during such Refusal cease and determine; and every Contract or Agreement which shall be entered into for lighting with Gas such public Lamps by the said Company, shall contain a Clause, providing that it shall be obligatory on the said Company that such public Lamps shall at all Times be better and cheaper lighted by the said Company than could be done by Oil Lamps.

Service Pipes to be kept fully charged with Gas.

LXII. And be it further enacted, That the Branch or Service Pipes which shall be put up by the said Company for lighting the Streets and other public Passages and Places within the said Town, under any Contract or Agreement, shall be kept fully charged with Gas, and the Stop-cocks shall be so formed and turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

No Pipes of Communication to be laid, &c. without the Consent of the Company.

LXIII. And be it further enacted, That no Person or Persons shall lay or cause to be laid any Iron, Lead, or other Pipe or Burner to communicate with any Pipe belonging to the said Company; nor shall any Person or Persons whatsoever erect or set up within the said Town of *Oldham*, or the Environs thereof, any Gas Works for the Purpose of preparing Gas for Sale, to be consumed or used off his, her, or their own Premises, without the Consent of the said Company under their Common Seal first had and obtained, nor use any Burner or Burners of larger Dimensions nor more in Number than he, she, or they respectively contract or pay for, on pain of forfeiting and paying to the Company the Sum of Ten Pounds, and also the further Sum of Five Shillings a Day for every Day such Pipe shall so remain, or such Works or Burners shall be so used, or such Excess be so committed or continued, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture, Penalties or Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalty or Forfeiture, Penalties or Forfeitures, shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to any Common Gaol or House of Correction, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Penalty or Forfeiture, Penalties or Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and it shall be lawful for the said Company, if they shall so think fit, also to take off the Supply of Gas from the House and Premises of the Person so offending, notwithstanding any Contract or Agreement which may have been previously entered into.

Accidentally damaging Pipes, &c.

LXIV. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, remove, destroy, damage, or otherwise injure any or any Part of any Pipe, Plug, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing set up by or belonging to the said Company, or belonging to any Person or Persons, and set up by him, her, or them, at his, her, or their private Expence, and shall not immediately upon Demand by the said Company, or their Committee of Management, or their Clerk or Engineer, or other Person or Persons authorized by the said Company, or their Committee, make Satisfaction for the Damage done, then and in every such Case it shall and may be lawful to and for any One or more Justice or Justices of the Peace, and he and they is and are hereby empowered and required, upon Complaint

to

to him or them made, to summon before him or them the Party or Parties against whom the Complaint shall be preferred, and upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party or Parties so complained against, to proceed *ex parte*, and to award such Sum or Sums of Money by way of Satisfaction to the said Company, or to such other Person or Persons (as the Case may be and require) for such Damages, as such Justice or Justices shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums so awarded, within Four Days after Demand, it shall and may be lawful to and for such Justice or Justices, and he and they is and are hereby required to cause the same, with reasonable Costs, to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

Gas Pipes to be laid Four Feet from Water Pipes, in a particular Manner.

LXV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Square, Market Place, Lane, Weint, Alley, Passage, Court, or other Place in the Town of *Oldham* aforesaid, or the Neighbourhood or Precincts thereof, shall be so laid at the greatest practicable Distance from any Water Pipe; and whenever the Width of the Carriageway in such Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Squares, Market Places, Lanes, Weints, Alleys, Passages, Courts, or other Places in the Town of *Oldham* aforesaid, or Neighbourhood or Precincts thereof, (unless in Cases where it shall be immediately necessary to lay the Gas Main Pipes across any of the said Pipes for the Conveyance of Water), in which Cases the said Gas Pipes shall be laid over and above such Water Pipes, at the greatest practicable distance therefrom, and shall form therewith a Right Angle; and in such Cases the said Gas Pipes so crossing any such Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of any such Water Pipes than Four Feet at least, and that in laying down the said Gas Pipes the said Company, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and the Neighbourhood thereof, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Ten Pounds.

To prevent Contamination, &c. of Water.

LXVI. And be it further enacted, That whenever the Water of any Conduit, or any Water to be supplied by the said Company, or by any other Party or Person, for the Use of the Inhabitants of the said Town and

and Neighbourhood of *Oldham*, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Company, or of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Neighbourhood, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Company, Body or Bodies, Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and in case any such Water shall be contaminated or affected in any way whatsoever by the Gas of the said Company, Body or Bodies, Persons or Persons as aforesaid, then and in every such Case and Cases the said Company, Body or Bodies, Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any Inhabitant of the said Town and Neighbourhood, or by any Party or Person interested in or using any Water which shall be so contaminated or affected, to be left at the usual Office or Place of transacting Business of the said Company, or Body or Bodies Politic or Corporate, or the last or usual Place of Abode of such other Person or Persons as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Company, Body or Bodies, Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Company, Body or Bodies, Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by such Gas, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered.

For ascertaining if the Water is contaminated.

LXVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company, or of the Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Neighbourhood for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the Inhabitant, or Party or Person so complaining, after giving Notice in Writing to the Commissioners or Trustees respectively under whose Care, Superintendence, or Controul any public Streets, Roads, Squares, Market Places, Passages, or other public Places within the said Town and Neighbourhood of *Oldham* may be, or to the Party or Person having the Property in the Soil (as the Case may be), and having an Order signed by any Justice or Justices of the Peace (which Order such Justice and Justices is and are hereby required

required to grant, on Oath made before him or them that such Water is believed to be so contaminated), to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Company, Body or Bodies, Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of the said Company, Body or Bodies, Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets, or other public Place, or such Part or Parts thereof which shall be so taken up or disturbed, and the filling in of the Soil so broken up, shall be borne and paid by the said Company, Body or Bodies, Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice or Justices, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the said Company, Body or Bodies, Person or Persons as aforesaid, then and in such Case the said Inhabitant, or Party or Person so complaining, shall bear and pay all the Costs and Expences of such Examination and Search, and shall also forthwith pay and make good to the said Commissioners or Trustees respectively, under whose Care, Superintendence, or Controul any such Streets, Roads, Squares, Market Places, Passages, or other Places, or any Part thereof, or the Owner of the Soil, as the Case may be, which shall or may have been so broken up for the Purpose aforesaid, all Costs, Charges, and Expences which shall or may be incurred by such Commissioners or Trustees, or Parties or Persons respectively, in repairing, restoring, and making good any Street, Road, Square, Market Place, Passage, or other Ground or Place, or any Part thereof, which may have been so broken up; and such Inhabitant, or Party or Person so complaining, shall also in the Case aforesaid forthwith pay and make good to the said Company, Body or Bodies, Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Company, Body or Bodies, Person or Persons as aforesaid in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined in the said Cases respectively, if necessary, by such Justice or Justices of the Peace as aforesaid.

For preventing Nuisances by the Works.

LXVIII. And be it further enacted, That when any Body or Bodies Politic or Corporate, Inhabitant Householder of the said Town of *Oldham*, or any other Person or Persons whomsoever, shall be aggrieved by any public or private Nuisance to be committed by the said Company, or any of their Officers, Servants, or Workmen, in respect of any Works of the said Company, or the Means which shall be employed by them in the Manufactory of the said Gas, and using the same, or furnishing such Light as aforesaid, or from any other Cause whatsoever, and shall give Notice in Writing to the said Company of the Existence of any such public or private Nuisance, the said Company shall, at their own Expence, cause the most speedy and effectual Measures to be taken to remove and abate such public or private Nuisance from continuing; and in case the said

said Company shall not proceed within Twenty-four Hours next after such Notice in Writing being given as aforesaid of any such public or private Nuisance, to remove, and shall not abate the same to the Satisfaction of Two Justices of the Peace, then and in every such Case the said Company shall forfeit and pay the Sum of Five Pounds for each and every Day during which such public or private Nuisance shall be permitted or suffered to exist after the Expiration of Twenty-four Hours from the Time of receiving such Notice; which Penalty shall and may from Time to Time, on the Oath of One or more credible Witness or Witnesses, by Information to be made and exhibited before any Justice or Justices of the Peace, be recoverable and recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Company, by the Warrant of any such Justice or Justices as aforesaid, to be granted in like Manner, and subject to the like Provisions, and to go to and be paid as herein directed touching other Penalties to be recovered from the said Company.

Powers to make Water-works.

LXIX. And be it further enacted, That for the Purpose of supplying the said Town and Neighbourhood with Water, it shall be lawful for the said Company to make or construct any Reservoir or Reservoirs, and any Aqueduct or Aqueducts, and by themselves, their Managers, Servants, Workmen, and Assistants, from Time to Time to resort unto, enter, view, examine, open, and cleanse any Spring or Springs in manner herein-after mentioned, and to take, use, and enjoy the Waters thereof, and arising in such Spring or Springs, or flowing therefrom, for the Purposes of this Act; and for the more effectually enabling the said Company to have, use, enjoy, and apply the Water of such Springs for the Purpose of this Act, it shall be lawful for the said Company and their Successors, by themselves, their Managers, Servants, Workmen, and Assistants, to make, place, and complete, open, cleanse, and maintain, pull down, take up, renew, replace, and alter in Situation, or otherwise improve, continue, repair, and use such Cisterns, Wells, and Reservoirs of Water at the Places where the aforesaid Spring or Springs rise, or in or near the Line of the Aqueduct thereof, or of the said Town, and also such Pipes, Drains, Aqueducts, and Conduits under Ground, and Works and other Conveniences above Ground for conveying the Water of the said Spring or Springs, or a sufficient Part thereof, in and through the same, and the Streets, Highways, and Avenues thereof, or leading thereto, and the Houses near the said Town, and for lodging sufficient Quantities of Water for the Supply herein-before mentioned as shall be deemed necessary by the said Company, and to supply such Cisterns, Wells, and Reservoirs, Pipes, Drains, Conduits, and Aqueducts and other Works, whilst laying and making, altering or repairing, and when laid and completed, altered or repaired, with a sufficient Quantity of Water from the aforesaid Springs or Streams, or any of them, for the Purposes aforesaid; and from Time to Time to set and place such Posts, Stones, or other permanent Marks as the said Company may deem necessary for ascertaining and finding out the Line and Situation of the said Pipes, Drains, Conduits, and Aqueducts underground; and for better effectuating the Purposes aforesaid, from Time to Time and as often as may be necessary, to enter into and upon the Lands or Grounds where the said Spring or Springs or Streams rise or flow, or near thereto, and the Lands or Grounds of any Person or Persons,

and

and the Highways, Streets, Avenues, and Places lying between the said Spring or Springs, or Streams, and the said Town, and in the said Town or near thereto, to take Levels, and for other Purposes of effecting the said Works, and to ascertain and mark out the Line of such Pipes, Aqueducts, Conduits, and Drains, and the Situation of the said Cisterns, Wells, Reservoirs, and other Works and Conveniences; and to bore, dig, cut, trench, bank, place, remove, take, and carry away, and use Earth, Clay, Stones, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters or Things, in the laying and placing, making, altering, amending, continuing, and repairing such Wells, Cisterns, and Reservoirs, Pipes, Drains, Conduits, Aqueducts, and other Works and Conveniences as aforesaid, or which may hinder, prevent, or obstruct the same, and from Time to Time to make, place, repair, construct, alter, amend, continue, and use such other Pipes and Drains, and such Cocks, Valves, Branches, Plugs, Pumps, Machines, and other Implements, Utensils, and Devices in and about the aforesaid Works as the said Company shall think proper, and from Time to Time to take and use all such other Acts, Ways, and Means for the Purpose of collecting, conveying, and bringing, and lodging, affording, and distributing a sufficient Quantity of fresh Water unto and into and near the said Town of *Oldham*, and the Houses and Buildings now or hereafter to be made in or near thereto, and for the Use of the Inhabitants of the said Town, Houses, and Buildings, from the aforesaid Spring or Springs, or Streams; and for completing and using, amending, improving, preserving, altering in Situation, or otherwise renewing, continuing, and repairing the Works and Conveniences authorized by this Act, as may be necessary and proper; and to resort, pass and repass to and from the aforesaid Works, and carry and convey Materials and other Things to and from the same from Time to Time, as often as shall be necessary for the Purposes aforesaid; they the said Company, their Managers, Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted; and for that Purpose making, and from Time to Time cleansing, repairing, and keeping in good Repair such Wells, Cisterns, and Reservoirs at those respective Places, or near thereto, as may be necessary; and the said Company laying and placing the aforesaid underground Pipes, Conduits, and Drains at least Eighteen Inches below the Surface, and covering the same with Soil and otherwise, so as to restore the Surface of the Land or Ground where the said Pipes, Drains, Conduits, and Aqueducts shall pass, to its former Situation and Appearance, or as near thereto as may be, and as soon as may be; and the said Company making Satisfaction in the Manner herein mentioned to the Owners, Proprietors, and all other Persons interested in the Lands, Tenements, and Hereditaments respectively which shall be used for the Purposes of this Act, or which shall be injured or damaged by means of the Exercise of any of the Powers hereby granted, or to be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their said Managers, Officers, Agents, Servants, Workmen, and Assistants, and all other Persons whomsoever, for what they or any of them shall do or make, or cause to be done or made by virtue of the Powers hereby granted.

LXX. And whereas Maps or Plans, describing the Line and Situation of the said intended Aqueducts and Reservoirs, and the Lands through and in

Map and Book of Reference to

remain with Clerk of Peace.

in which the same are intended to be carried and made, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Offices of the Clerk of the Peace of the County of *Lancaster*, and at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore further enacted, That the said Maps or Plans and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, and all Persons shall at any reasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof, or such Part thereof as such Person or Persons shall require, on paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Company shall not in making such Aqueducts deviate more than One hundred Yards of Three Feet each from the Line or Course so described, nor make any Reservoir in any other Lands, Grounds, or Situations than so described.

Houses, Gardens, &c. not to be injured.

LXXI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting under or by their Authority, to enter, take, use, injure, or damage, in the Exercise of any of the Powers herein contained, any House or other Buildings which were erected and built before the passing of this Act, or any Land or Ground which at or before that Time was set apart and used as and for a private Yard, Garden, Orchard, Park, Paddock, Pleasure Ground, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being, except such as are mentioned and described, or intended so to be, in the Schedule to this Act annexed, marked (A.)

Misnomers or wrong Descriptions in Schedule not to prevent the Execution of the Act.

LXXII. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners, Leaseholder or Leaseholders thereof, or any other Person or Persons interested therein, or in any Part thereof, shall happen by Mistake to be misnamed or incorrectly described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased, sold, assessed, and valued in manner as in this Act mentioned, and afterwards conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in the said Schedule hereunto annexed.

Houses, &c. mentioned in Schedule to be purchased within Five Years.

LXXIII. Provided also, and be it further enacted, That in case the said Company shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall

shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Time limited for Completion of the Works.

LXXIV. Provided also, and be it further enacted, That in case the Works for supplying the said Town and Neighbourhood with Water shall not be completed, so as to answer the Purposes thereof, within Five Years from and after the passing of this Act, all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to so much thereof as shall have been completed.

Owners and Inhabitants of Houses, &c. may lay Pipes to those of the Company.

LXXV. And be it further enacted, That such of the Owners of Buildings within or Inhabitants of the said Town and Neighbourhood, as shall be desirous of having Water conveyed in Pipes into their Houses, Yards, or Offices, may and are hereby authorized and empowered, at their own Expence (having first obtained the Consent in Writing of the Owner or Owners, Occupier or Occupiers of any inclosed Lands or Grounds in which such Pipes shall be placed), to open the Ground between the said Company's Wells, Reservoirs, Main Pipes, Aqueducts, and the respective Houses, Buildings, and Yards of such Owners or Inhabitants, and to lay down Leaden or other proper Pipes of the Bore of Three Quarters of an Inch, or of a greater Bore, from such Houses, Yards, or Offices, to communicate with the said Wells, Reservoirs, Aqueducts, or Main Pipes, such respective Owners of Buildings or Inhabitants agreeing to pay and paying to the said Company yearly, or at shorter Periods, such Rate or Rates, Sum or Sums of Money, for such Privilege and Water, as shall be charged by the said Company, not exceeding the Rates herein-after mentioned; and in case of Default in Payment of any such Sum or Sums of Money which may be so fixed by the said Company, or agreed to be paid, the same shall be recovered by the said Company, with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons respectively liable to pay the same, in the same Manner as Rents in arrear upon common Demises may be recovered, or by Action of Debt or on the Case, with full Costs of Suit.

Limiting the Rates for Water.

LXXVI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to refuse to any Inhabitant wishing for the same, and being willing to comply and complying with the Terms and Conditions in this Act contained, a Supply of Water from the said Works; nor shall the said Company be at liberty to charge, or directly or indirectly take or receive any greater Rate or Rates for the Supply of the said Water than herein-after mentioned; (that is to say), where the annual Rack Rent or Value of the House or Building, Yard or Offices to be supplied with Water shall not exceed Ten Pounds, at and after the Rate of Twenty Shillings *per* Year; and where the annual Rack Rent or Value shall be above Ten Pounds, and shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per* Year; and where the annual Rack Rent or Value shall be above Twenty Pounds, and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds and Sixteen Shillings *per* Year; and where the annual Rack Rent or Value shall be above Thirty Pounds, and shall not exceed Forty Pounds, at and after the Rate of Three Pounds and Fifteen Shillings *per* Year; and where the annual

Rack Rent or Value shall be above Forty Pounds, and shall not exceed Sixty Pounds, at and after the Rate of Five Pounds *per* Year; and where the annual Rack Rent or Value shall be above Sixty Pounds, and shall not exceed Eighty Pounds, at and after the Rate of Five Pounds and Twelve Shillings *per* Year; and where the annual Rack Rent or Value shall be above Eighty Pounds, and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds and Five Shillings *per* Year; and where the annual Rack Rent or Value shall be above One hundred Pounds, at and after the Rate of Seven Pounds *per* Year, except for each House, Building, Yard, or Office occupied by an Innkeeper, Maltster, Brewer, Distiller, Dyer, Hatter, Woolcomber, or other Person who shall use large Quantities of Water, and in every such Case such Sum as the said Company shall think reasonable, not exceeding after the annual Rate of Eight Pounds.

Where several Tenements are supplied by One Pipe.

LXXVII. Provided always, and be it further enacted, That where several Messuages, Cottages, or Dwelling Houses or Tenements, in the Occupation of several Persons, shall be supplied by One Common Branch Pipe, to be laid to and introduced into the Wells, Reservoirs, Main Pipes, or Aqueducts of the said Company, the several Owners or Occupiers of such Messuages, Cottages, Dwelling Houses, or Tenements, shall be respectively liable to pay for such Supply of Water at and after the same Rate as he, she, or they would be liable to pay for the same if each of such several Messuages, Cottages, Dwelling Houses, or Tenements was separately supplied with Water by a distinct Branch Pipe from the Works of the said Company, such several Rates or Rents, in case of Nonpayment, to be recovered as herein mentioned.

Cisterns and Stopcocks to be provided, if required by the Company.

LXXVIII. And be it further enacted, That every Person or Persons supplied with Water by virtue of this Act shall, upon having One Calendar Month's Notice in Writing from the said Company, or their Committee of Management for such Purpose, have a Cistern for receiving Water, and in such Cistern or Receptacle for Water shall attach and fix a Ball Cock, or other self-acting Cock, to the Pipe conveying Water from the Reservoirs or Pipes belonging to the said Company into such Cistern or other Receptacle, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern and other Receptacle shall be full; and the Person or Persons neglecting to attach and fix, and repair or renew such Ball Cock or self-acting Cock, shall forfeit and pay to the said Company any Sum not exceeding Five Pounds for every Offence.

Penalty on Persons not repairing Pipes, &c.

LXXIX. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, Drains or Aqueducts, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, or the Cocks belonging thereto, to be out of repair so as to let the Water run waste and useless, or shall neglect to repair the same within Twenty-four Hours after being required so to do by any of the Agents or Workmen of the said Company, the Person or Persons so offending or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also be liable to pay to the said Company full Compensation for any Injury or Damage

Damage which may be claimed by the said Company by reason of Loss of Water or otherwise, together with full Costs of Suit attending the Recovery thereof.

For preventing undue Waste of Water.

LXXX. And be it further enacted, That it shall be lawful for the Engineer, or other Person or Persons acting by or under the Authority of the said Company, or of their Committee of Management, at all seasonable Times in the Day-time, between the Hours of Eight in the Forenoon and Four in the Afternoon, upon giving Twenty-four Hours previous Notice of his or their Intention, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company, or if the Pipes or Cocks for supplying such House, Building, or other Premises be in good and proper Repair and Condition; and if such Engineer or other Person acting by or under the Authority of the said Company, or their Committee of Management, shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted, shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case the Proprietor or Occupier of such House, Building, or Premises, or other Person or Persons so refusing Admittance, or obstructing such Examination as aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and levied as herein-after directed.

Water to be used in extinguishing Fires.

LXXXI. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons whomsoever at all Times to use and employ the Water which shall so as aforesaid be contained in any Pipes or Aqueducts of the said Company, in extinguishing of any Fire or Fires which may happen to any House or Building within the said Town of *Oldham* and the Neighbourhood, without making any Satisfaction or Compensation for the same to the said Company, or any other Person or Persons whomsoever; and that proper Fire Plugs, with painted Directions or Marks on the Houses and Buildings in the said Town and Neighbourhood, shall be provided at the Expence of the said Company at proper Distances, and in convenient Parts of the said Town and Neighbourhood, for the securing a speedy and sufficient Supply of Water for the extinguishing of Fires in the said Town and Neighbourhood; and when and so soon as any such Fire Plugs shall be finished, the said Company shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the said Town and Neighbourhood wherein any Engine shall be kept for the extinguishing of Fire.

Fire Plugs to be provided.

Requiring the Company to deliver Keys of Pipes, &c.

LXXXII. And be it further enacted, That in case any of the Inhabitants of the said Town or Neighbourhood of *Oldham* shall be desirous of and shall apply to the said Company for a Key or Keys of the Mains, Plugs, or Services belonging to the said Waterworks, in order that such Key or Keys may be kept in some proper Place to be agreed upon at a Vestry of the Inhabitants of the said Town and Neighbourhood, to the End that thereby in Cases of Fire the Supply of Water from the said

Works

Works may be the more easily and readily obtained, the said Company shall be bound and obliged to furnish such Key or Keys to the Persons applying, in order to their being so kept; and in case the said Company shall refuse such Key or Keys to the Person so applying, they shall forfeit and pay for every such Refusal the Sum of Five Pounds, which Penalty shall or may from Time to Time be recovered, together with full Costs of Suit, by Action, Plaint, or Suit, in any Court of Law.

No Water to be employed for Machinery used about any Manufactory.

LXXXIII. Provided always, and be it further enacted, That nothing herein contained shall enable the said Company to apply or use, or suffer to be applied or used, any Part of the aforesaid Water to be conveyed as aforesaid, in supplying Power to or for any Engine or Machinery, or in or about working any Machinery employed in or about any Manufactory; and that no Inhabitant or Inhabitants of the said Town, or any House therein or near thereto, or other Person or Persons whomsoever, shall so use or employ any Part of the said Water for the Purposes before prohibited, upon pain of forfeiting to the Person or Persons complaining thereof, from Time to Time, for and upon such Occasion of so doing, any Sum not exceeding Five Pounds for every such Offence.

Waste Water to be turned off at or near the Springhead.

LXXXIV. Provided also, and be it further enacted, That the said Company shall turn off and discharge, or cause and procure to be turned off and discharged, such spare or waste Water of the aforesaid Springs as shall not be wanted for the Supply of the Inhabitants of the said Town, and the Buildings and Houses therein and near thereto, now built or hereafter to be built, with fresh and sufficient Water as herein-before mentioned, or as much thereof as may conveniently be, at the respective Springheads, or so near thereto as that such Water so turned off and discharged may run and pass in the same Course as hath been usual, or as near thereto, and as soon after being so turned off as may be.

Watering Places to be made by Company in certain Cases.

LXXXV. And be it further enacted, That in case any Close or Inclosure through which the Water from the said Brook or River shall be taken, shall, by reason of such Water being taken in covered Drains, be deprived of the Benefit of such Water, the said Company shall and they are hereby required, within Five Days after Notice in Writing of such Deprivation from the Owner or Occupier of any such Close or Inclosure shall have been given to the said Company, to make, complete, continue, and keep in repair such Troughs or Watering Places in each and every of such Inclosures, as may be necessary for supplying the Cattle or Stock therein with a sufficient Quantity of Water.

If Company do not make them, Land Owners may do it at Company's Expence.

LXXXVI. And be it further enacted, That in case the said Company shall for the Space of Five Days neglect or refuse to make and complete the said Troughs or Watering Places, or any of them, in any Close or Inclosure through which the Water from the said Brook or River shall be taken for supplying the Cattle or Stock therein with Water, or after the same shall be made and completed, shall neglect or refuse to continue and maintain in Repair such Troughs or Watering Places, for the Space of Five Days next after Notice shall have been given by or on behalf of the Owners or Occupiers of such Closes or Inclosures who shall find themselves aggrieved by any such Troughs or Watering Places not being

kept

kept in good Repair and Condition, to the said Company, then and in every such Case the said Company shall forfeit and pay any Sum not exceeding Ten Pounds, to every such Owner or Occupier so finding himself or herself aggrieved; or it shall and may be lawful for every or any of the Owners or Occupiers of such Closes or Inclosures to make or repair all or any of such Troughs or Watering Places, and to continue and keep the same in repair from Time to Time as Occasion shall require, so that in making or repairing such Troughs or Watering Places the said Aqueduct and other Waterworks shall not be stopped or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by any Two or more Justices of the Peace for the County or Place in which the Close or Inclosure shall be situate, shall be repaid to the respective Owners or Occupiers of such Closes or Inclosures who shall have so made or repaired such Troughs or Watering Places as aforesaid, by the said Company; and upon Refusal or Neglect of the said Company to pay the said Owners and Occupiers the said Costs and Charges as aforesaid, for the Space of Ten Days after Demand thereof made upon the said Company, such Costs and Charges shall or may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hands and Seals of the said Justices, rendering to the said Company the Overplus, after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant such Justices are hereby empowered to grant.

Penalty for not supplying Water to Inhabitants.

LXXXVII. And be it further enacted, That in case the said Company shall neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling in any Road, Street, or Place where the Pipes of the said Company shall be laid, with Water for the Use of his or her own Family, at the Rate or Rates herein-before mentioned, for the Space of Five Days after Demand in Writing shall have been made by such Inhabitant to the said Company for such Supply of Water, and Tender made to the said Company of the Amount of the Rate for One Year for such Supply, the said Company shall forfeit and pay to such Inhabitant Treble the Amount of the Rate so tendered, to be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace, by Distress and Sale of the Goods and Chattels of the said Company, or of the Treasurer of the said Company, and also the further Sum of Twenty Shillings for every Day the said Company shall continue to refuse such Supply, to be recovered as any Penalty may by virtue of this Act be recovered.

Company may cut off Pipes where necessary for Repairs.

LXXXVIII. And be it further enacted, That in case it shall at any Time be found necessary by the said Company, for the Purpose of making any Alteration or Amendment of the Pipes or Works of the said Company, to cut off or stop the running or issuing of Water from their Main Pipes or otherwise, then it shall be lawful for the said Company to cause any Pipes, Drains, or Aqueducts communicating with any of the Reservoirs, Pipes, or Aqueducts of the said Company, to be separated from the Reservoirs, Aqueducts, and Pipes of the said Company, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains,

or Aqueducts so authorized to be separated: Provided always, that whenever the said Company shall cause any such Pipes, Drains, or Aqueducts which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company to be separated, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts, by reason of any Alteration or Amendment of the Pipes or Works of the said Company being necessary, the said Company shall make such Alteration or Amendment, and at their own Expence restore the Communication of such Pipes, Drains, or Aqueducts, with the Reservoirs, Aqueducts, and Pipes of the said Company, and permit the Water to issue therefrom and run again into such Pipes, Drains, or Aqueducts, as soon as conveniently may be.

Penalties for hindering or injuring the Company's Works, or fouling the Water;

LXXXIX. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company, or their Agents, Officers, Servants, or Workmen, or any of them, in doing or performing any of the Waterworks, or in the Exercise of any of the Powers and Authorities in this Act authorized or contained, for supplying the said Town and Neighbourhood of *Oldham* with Water, or if any Person whomsoever shall wilfully or maliciously let off or discharge any Water, so that the same shall run waste and useless to the said Company, or to any Person entitled thereto under an Agreement with them, out of or from any of the Cisterns, Reservoirs, or Wells, Pipes or Aqueducts hereby authorized to be made, or shall wilfully or maliciously break, throw down, injure, damage, or destroy any Wells, Cisterns, Reservoirs, Aqueducts, Water Pipes, Drains, Plugs, Cocks, Works, Matters, or Things belonging to or the Property of the said Company, made or to be made and provided in pursuance of this Act, for the Purpose of the Execution of the Powers herein contained, for supplying the said Town and Neighbourhood with Water; or if any Person shall bathe in any of the Wells, Cisterns, or Reservoirs belonging to the said Company, to be made pursuant to the Powers herein contained, or shall wade into or wash, cast, put, or throw any live or dead Dog or Cat, or other Animal, or any Cloth, Wool, Filth, Dirt, or other noisome or offensive Matter or Thing, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any of the said Wells, Cisterns, or Reservoirs, Pipes or Conduits, or otherwise wilfully foul or render noisome or impure, or cause or procure so to be, the Water running to or contained in any of such Wells, Cisterns, or Reservoirs, Pipes, or Conduits; or if any Person or Persons supplied with Water by virtue of this Act shall wilfully permit any other Person or Persons not being so supplied to take any Water at the Pipes or Reservoirs of the said Company, or shall supply any such other Person or Persons with any Water from such Pipes or Reservoirs, or shall, by negligently suffering his, her, or their Pipes or Aqueducts, or the Cocks belonging thereto, to be out of repair, occasion the Water thereby supplied to run waste and useless; or if any Person not paying for or having agreed to pay for a Supply of Water from the said Works, shall take or use any of the Water supplied by means of the Works of the said Company, other than and except at the Reservoirs or Wells, or at the Place where the said Springs rise, or as near thereto as may be found convenient for such Purposes, and as hath heretofore been usual; then

and on Persons supplied with Water supplying others;

or using Water without Consent of Company;

and

and in every such Case the Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered, as herein-after provided, and such Persons shall pay to the said Company the full Amount of the Damage sustained by the said Company, by the Acts or Means in respect of which such respective Penalties shall be incurred, in addition thereto: Provided always, that nothing in this Act contained shall prevent or be construed to extend to prevent any of the Water supplied or collected under the Authority of this Act from being used to extinguish any Fire or Fires whatsoever that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay, Corn, or other Produce, or any Waggon, Cart, or other Carriage, or any Matter or Thing therein contained, or shall be in Danger of so communicating; and no Person supplied with Water under the Consent of and an Agreement with the said Company shall be liable to any Penalty or Payment for supplying any other Person or Persons with Water for the Purposes last aforesaid: Provided always, that no Person shall be subject to any Penalty for supplying with Water any other Person or Persons entitled to the Water of the said Company, whilst the Pipes or Cisterns of such other Person or Persons shall be repairing.

except for Purposes specified.

XC. And be it further enacted, That if any Person or Persons shall wantonly or maliciously hinder or interrupt the said Company or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done; or shall wilfully, wantonly, or maliciously remove, break, throw down, destroy, damage, or injure any or any Part of any Pipe, Pedestal, Plug, Lamp, Lamp Post, Lamp Iron, or other Apparatus, Matter, or Thing belonging to the said Company, or shall wilfully, wantonly, or maliciously waste any of the Inflammable Air or Gas supplied by the said Company, or shall wilfully extinguish the Light or Lights of or in any of the public Lamps, or shall wilfully or intentionally enlarge or alter any of the Burners, so as to occasion more of such Inflammable Air or Gas to be consumed than has been contracted for, every Person so offending in any or either of the Cases aforesaid, and being thereof lawfully convicted on the Oath or Affirmation of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace, shall for each such separate and distinct Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, and also the full Amount of the Damage done, to be ascertained by such Justice or Justices; such Penalty and Damage, together with reasonable Costs, to be levied under the Warrant of such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels; or if it shall appear to the said Justice or Justices, either by Confession or otherwise, that the Offender or Offenders hath or have not any Goods or Chattels sufficient to levy such Forfeiture or Damage as aforesaid, such Offender or Offenders shall and may be forthwith committed to the Common Gaol or House of Correction of and for the County, Hundred, or Riding where the Offence shall be committed, there to remain for any

Penalty for interrupting Company's Workmen, damaging Pipes, &c.

Time

Time not exceeding Three Calendar Months, unless such Forfeiture, Damage, and Costs shall be sooner paid and satisfied.

Pipes over Bridges, how to be laid.

XCI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to lay any Pipe or Pipes, or other Apparatus for conveying Gas or Water, or any other Article, Matter, or Thing belonging to such Company, over, across, or upon any public Bridge or Bridges, or within or under any Part of the Roads belonging thereto, unless such Pipe or Pipes, or other Apparatus, shall be conveyed under the Footpaths of such Bridge or Bridges and Roads, and within Brick or Stone Soughs, and such Soughs to be set in Lime Mortar, and be covered with good and sufficient Flags to form Part of such Footpaths; provided also, that the Persons liable to repair and amend such Bridges shall not be subject or liable to make any Recompence or Satisfaction for or by reason of any Injury, Damage, Interruption, or Inconvenience which may happen to the said Pipes, Apparatus, Matters, and Things, by the falling down, giving way, taking down, rebuilding, repairing, widening, amending, or improving such Bridge or Bridges, or the Approaches to the same, or for or by reason of the Supply of Gas or Water being thereby interrupted, suspended, prevented, or in any Manner injured.

When Company may take Water from any Stream, &c. flowing into the River Medlock.

XCII. And whereas the Company of Proprietors of the *Manchester* and *Salford* Waterworks have for some Time past been accustomed to take from the River *Medlock* Eight hundred thousand Ale Gallons of Water *per Diem* or thereabouts, for the Use of their said Waterworks; and for preventing any Disputes between the said *Oldham* Gas Light and Waterworks Company, and the said Company of Proprietors of the *Manchester* and *Salford* Waterworks, and the Owners or Occupiers for the Time being of Mills or Manufactories on the said River *Medlock*, or any of them, respecting their Rights and Interests; be it further enacted, That when there shall flow down the Course of the said River *Medlock* at *Beswick*, in the said County of *Lancaster*, the Quantity of Eight hundred thousand Ale Gallons of Water *per Diem* for the Use of the Company of Proprietors of the *Manchester* and *Salford* Waterworks, over and above what may be necessary for the ample Supply of the several Mills, Manufactories, and Works upon or lawfully supplied by the Water of the said River *Medlock*, it shall be lawful and competent for the said *Oldham* Gas Light and Waterworks Company to take from any Brook, Spring, Stream, Rivulet, or Source (the Waters whereof now flow into the said River *Medlock*), into any Reservoir or Reservoirs to be erected and made by the said *Oldham* Gas Light and Waterworks Company above *Waterhead* Mill in the Township of *Oldham* aforesaid, such Quantity of the Surplus Water as the said *Oldham* Gas Light and Waterworks Company, their Successors or Assigns, may find requisite for the Supply of the said Town of *Oldham* and the Neighbourhood thereof within the Township of *Oldham* aforesaid; and that when there shall not flow down the Course of the said River *Medlock* at *Beswick* aforesaid, an ample Supply of Water for the several Mills, Manufactories, and Works upon or lawfully supplied by the Water of the said River *Medlock*, and the Quantity of Eight hundred thousand Ale Gallons of Water *per Diem* for the Use of the said Company of Proprietors of the *Manchester* and *Salford* Waterworks, it shall not be lawful for the said *Oldham* Gas Light and Waterworks

works Company, their Successors or Assigns, to take any Water whatever from any Brook, Spring, Stream, Rivulet, or Source which flows into the said River *Medlock* as aforesaid.

One Engineer to be appointed by the Manchester and Salford Waterworks Company, and another by the Oldham Gas Light and Waterworks Company, who are to determine where Gauges are to be placed.

XCIII. And, for the more effectually preventing the said *Oldham* Gas Light and Waterworks Company, their Successors or Assigns, from taking or diverting any Water from the said Reservoir or Reservoirs so to be erected as aforesaid, or from any Brook, Stream, Spring, or Rivulet, the Waters of which now flow into the said River *Medlock*, unless at such Time or Times when there shall be a Supply of Eight hundred thousand Ale Gallons of Water *per Diem* at *Beswick* aforesaid for the Use of the said Company of Proprietors of the *Manchester* and *Salford* Waterworks, and an ample Supply of Water for the several Mills, Manufactories, and other Works upon or lawfully supplied by the Water of the said River *Medlock*, it is further enacted, That *Nicholas Brown* of *Wakefield* in the County of *York*, Civil Engineer, on the Part and Behalf of the said Company of Proprietors of the *Manchester* and *Salford* Waterworks, and *William Johnson* of *Manchester* in the County of *Lancaster*, Civil Engineer, on the Part and Behalf of the said *Oldham* Gas Light and Waterworks Company, shall and they are hereby appointed Engineers, and are hereby required to ascertain and determine, by their Award in Writing under their Hands and Seals, with proper Plans and Sections to be thereto annexed, the Place or Places where a proper Gauge or Gauges, Wear or Wears, shall be placed at or near to the said proposed Reservoirs, and the Plan, Situation, Nature, Construction, Dimensions, and Levels of such Gauge or Gauges, for the Purpose of preventing the said *Oldham* Gas Light and Waterworks Company taking any Water into the said Reservoirs so to be erected or made, from any Brook, Stream, Spring, or Rivulet, the Waters whereof flow into the said River *Medlock*, and also to ascertain and determine the Means of guarding and protecting such Gauge or Gauges; and within Thirty Days from the passing of this Act, the said Two Engineers shall and they are hereby required to nominate and appoint some indifferent Person as Umpire, to decide any Matter in difference which may arise between the said Two Engineers so appointed as aforesaid, and in case the said Two Engineers shall not within Nine Calendar Months from the passing of this Act agree touching the Plan, Situation, Nature, Construction, Dimensions, and Levels of such Gauge or Gauges, Wear or Wears respectively, and the Means of protecting and guarding the same, then the said Umpire so to be appointed shall and he is hereby required to determine and settle the same, within Three Calendar Months next after the Expiration of the said Nine Calendar Months.

In case of Death of Engineers so appointed.

XCIV. Provided also, and be it enacted, That in case at any Time or Times hereafter both or either of the Two Engineers so appointed as aforesaid shall die before making their Award, and before appointing a Third Engineer as aforesaid, Two other Engineers, or One other Engineer, as the Case may happen, shall within Two Calendar Months thence following be appointed by the Parties or Party whose Engineers or Engineer shall so die as aforesaid; and from and after such new Appointment of Engineers or Engineer, the Two Engineers shall have Six Calendar Months wherein to make their Award in the Premises, and Twenty-one Days from the Expiration of such Six Months to appoint a Third Engineer in man-

ner aforesaid, and such Third Engineer shall have Three Calendar Months from the Time of his Appointment wherein to make his Award in the Premises, and the Award of such last-mentioned Two Engineers, or of such last-mentioned Third Engineer, as the Case may happen, shall be as binding and conclusive, to all Intents and Purposes, as if such Award had been duly made by the Two Engineers originally appointed, or by a Third Engineer duly appointed by the Two Engineers originally appointed; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

In case such two Engineers shall neither agree nor appoint a Third, or in case the Third should die before making his Award.

XCV. Provided also, and be it further enacted, That in any Event in which Two Engineers shall be appointed as aforesaid, in case such Two Engineers shall neither agree in any Award to be made in the Premises, nor in the Appointment of a Third Engineer, within the Times herein-before appointed for such Purposes respectively, or in case the Third Engineer to be from Time to Time appointed by them shall die before making his Award, or shall refuse or neglect to make his Award within the Time herein-before in that Behalf mentioned, then and in every such Case the Matters and Things then remaining to be ascertained and determined shall be so ascertained and determined by an Engineer to be appointed by the Chairman of the *Salford* Quarter Sessions for the Time being, who shall and is hereby required to appoint an Engineer for that Purpose, by Writing under his Hand, within the Space of Three Calendar Months from the Time when he shall be required so to do, either by the said Company of Proprietors of the *Manchester* and *Salford* Waterworks, their Successors or Assigns, by Notice in Writing under their Common Seal, or by the said *Oldham* Gas Light and Waterworks Company, their Successors or Assigns, by Notice in Writing under their Common Seal, and the Award of every such Engineer so to be appointed as last aforesaid shall be as binding and conclusive to all Intents and Purposes as if such Award had been duly made by the Two Engineers originally appointed, or by a Third Engineer duly appointed by the Two Engineers originally appointed; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

The Company shall not take any Water until such Gauges are completed.

XCVI. Provided always, and be it further enacted, That the said *Oldham* Gas Light and Waterworks Company shall not be permitted to take any Water whatever from any Brook, Spring, Stream, Source, or Rivulet, the Waters whereof flow into the said River *Medlock*, until after such Gauge or Gauges, Wear or Wears, so to be ascertained and determined as aforesaid in the Manner directed by such Award as aforesaid, shall have been made, erected, built, fixed, set up, constructed, and completed; any thing in this Act contained to the contrary in anywise notwithstanding.

Award to be enrolled.

XCVII. And be it further enacted, That every Award in Writing, with the Plans and Sections thereunto annexed, shall be fairly ingrossed, written, and drawn on Parchment, and shall within Six Calendar Months after the Execution thereof, or so soon as conveniently may be, be enrolled in One of His Majesty's Courts of Record at *Westminster*, or with the Clerk of the Peace for the County Palatine of *Lancaster*, to the End that recourse may be had thereto by any Person or Persons interested therein, for

for the Inspection and Perusal whereof no more than One Shilling shall be paid; and a Copy of the said Award, or any Part thereof, signed by the proper Officer of the Court wherein the same shall be enrolled, or by the Clerk of the Peace for the said County Palatine of *Lancaster*, or his Deputy, purporting to be a true Copy, shall from Time to Time be made and delivered by such Officer or Clerk of the Peace for the Time being as aforesaid, to any Person requesting the same, for which no more shall be paid than Sixpence for every Sheet of Seventy-two Words; and the said Award, and each Copy of the same, or of any Part thereof, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatever as legal Evidence; and every such Award, and all Matters and Things therein contained, shall to all Intents and Purposes be binding and conclusive, except where some Proviso is herein contained to the contrary, unto and upon all Parties and Persons concerned or interested in the same.

Expences of Engineers, &c. how to be paid.

XCVIII. Provided always, and be it enacted, That all the Expences of the said Engineers so appointed or to be appointed as aforesaid, and of the said Umpire so to be appointed and of his or their Appointment, and also the Costs and Charges of making and enrolling their Award as aforesaid, and also the Expences of making and constructing and afterwards in keeping in repair the Gauge or Gauges, Wear or Wears as aforesaid, shall be borne and paid by the said *Oldham* Gas Light and Waterworks Company.

Recovery of Rents.

XCIX. And be it further enacted, That in case any Person or Persons who shall contract or agree to take, or shall use or enjoy the Benefit of the said Gas and Water, or either of them, in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Fourteen Days after Demand, to pay the Sum or Sums then due for the same to the said Company, according to the Terms and Stipulations of the said Company, it shall be lawful for the said Company, or their Clerk or Clerks, or any other Person or Persons acting by or under their Authority, by Warrant, under the Hand and Seal of any Justice of the Peace, to levy the said Sum or Sums of Money, in respect whereof such Refusal or Neglect shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to such Person or Persons so refusing or neglecting, after the necessary Charges attendant upon the Conviction, and the taking and keeping of such Distress and Sale thereof, shall be first deducted.

Materials, &c. to be the Property of the Company.

C. And be it further enacted, That all Materials of which the aforesaid Buildings, Retorts, Gasometers, Receivers, Wells, Reservoirs, and Cisterns, shall be constructed, as well as the Pipes, Cocks, Conduits, and other Utensils and Things furnished and provided for the Purposes aforesaid, or by the said Company, or their Managers, Officers, or Servants, at the Expence of the said Company, shall be and be considered, to all Intents and Purposes, vested in and be the Property of the said Company, in Trust and for the Use and Purposes aforesaid.

CI. Pro-

Damages to any public Sewer or Drain to be made good.

CI. Provided always, and be it further enacted, That the said Company, their Servants, Agents, Workmen, or others, shall not, by any Work to be done by virtue of this Act, damage or injure any public Sewer or Drain within the said Town; and if any Damage or Injury shall unavoidably be done to any such Sewer or Drain, the said Company shall forthwith well and sufficiently repair and make good every such Damage or Injury; and on Default thereof, the Amount of such Damage shall be recoverable by the Surveyor or Surveyors of the Highways for the Time being of the said Town, by Distress and Sale of the Goods and Chattels of the said Company, or by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

In case of Nonpayment of Compensation for Materials or Damage by the Company, &c. the same to be levied by Distress of the Goods of such Company, &c.

CII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or by any Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, and delivered to the said Company or to their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Company, or their Treasurer, or by Distress and Sale of the Goods and Chattels of the said Company, or of their Treasurer for the Time being, or of the Goods and Chattels of the Party or Person required to pay the same Sum or Sums of Money, as the Case may be, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company, or their Treasurer for the Time being, or to such Party or Person, as the Case may be.

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

CIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale

Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

The Company liable to be indicted for Injury sustained by the Works.

CIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the said Company, or any Body or Bodies Politic or Corporate, or Person or Persons whomsoever, in respect of any Gas Works, or the Means which shall be employed in making any Gas, or using the same, or furnishing such Light as aforesaid, as a public or private Nuisance; or from bringing any Action or Actions against the said Company, or any of their Officers, Servants, or Workmen, or any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, for any Injury sustained by reason of any such Works, or the Use of the said Gas or Water, or the Method of lighting and supplying the said Town and Neighbourhood therewith, whether such Injury shall proceed from the Preparation or Use of the same Gas or Water, or Method of lighting and supplying the same as aforesaid, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Recovery of Penalties and Forfeitures.

CV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall upon Proof of the Offences respectively before any Justice of the Peace, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties, Forfeitures, and Fines, and such Costs as aforesaid, and the same shall not be forthwith paid, or if it shall appear to such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalties, Forfeitures, and Fines, or such Costs as aforesaid, on a Warrant of Distress being issued, then it shall be lawful for any such Justice of the

Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction in and for such County or Riding, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines respectively, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Application imposed on the Company.

CVI. Provided always, and be it further enacted, That all Penalties imposed by this Act on the said Company or their Treasurer, and which are not by this Act specially directed to be otherwise applied or disposed of, shall be paid to the Overseers of the Poor of the Township in which the Penalty shall be incurred, and be by them applied in aid of the Poor's Rates of such Township; anything herein-before contained to the contrary notwithstanding.

Form of Conviction.

CVII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say),

'BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred and is [*or* are] convicted before me [*or* us, *as the Case may be*], of His Majesty's Justices of the Peace for the County Palatine of *Lancaster*, [*or* West Riding of the County of *York*, *as the Case may be*,] by virtue of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act*], of having [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*] contrary to the said Act; and for which Offence I [*or* we, *as the Case may be*] do adjudge the said to have forfeited the Sum of . Given under my Hand and Seal [*or, as the Case may be*, our Hands and Seals] the Day and Year first above written.'

For Apprehension of Offenders.

CVIII. And be it further enacted, That it shall and may be lawful for any of the said Proprietors, or their Surveyors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Riding where the Offence shall be committed (as the Case may require); and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Informations to be lodged within Six Calendar Months.

CIX. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty, Fine, or Forfeiture imposed by this Act for any Offence or Offences against the same, or any Order or Bye Law made in pursuance thereof, herein-before made cognizable before a Justice or Justices of the Peace, unless Information respecting such Offence or Offences shall have been

been lodged before such Justice or Justices within Six Calendar Months next after committing such Offence or Offences.

Power of Appeal.

CX. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the County or Riding where the Cause of Complaint shall arise, or any Adjournment thereof, the Person or Persons appealing having first given at least Twenty-eight Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Clerks of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County or Riding, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace or Adjournment thereof, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the same County or Riding, and if they see Cause may mitigate any Forfeiture or Fine, may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the Justices at such Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Compelling Attendance of Witnesses.

CXI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect (without a reasonable Excuse) to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, or appearing, shall refuse to be examined upon Oath, (or in case of a Quaker or Quakers, on solemn Affirmation,) which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer, and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Distress not unlawful for Want of Form.

CXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied under the Authority of this Act, or any Order or Bye Law made in pursuance thereof, the Distress

Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages by Action on the Case.

Proceedings not to be quashed for Want of Form, or removed by Certiorari.

CXIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or against any Order or Bye Law made in pursuance thereof, nor any Judgment or Determination to be made in pursuance thereof, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Plaintiff not to recover without Notice given, or after Tender of Amends.

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

Limitation of Actions.

CXV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Three Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or

General Issue.

Suit

Suit after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Justices empowered to administer Oaths.

CXVI. And be it further enacted, That in all Cases where Recognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice and Justices of the Peace to administer an Oath to any Person for his or their more certain Information in the Matter then depending.

Company may reward Informers.

CXVII. And be it further enacted, That it shall and may be lawful to and for the said Company to reward any Informer or Informers as they shall think proper, so as such Reward shall not exceed the Amount of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred; any thing herein contained to the contrary notwithstanding.

Directions as to Service of Notices, Writs, &c. on the Company.

CXVIII. And be it further enacted, That in all Cases wherein it may be requisite to serve any Notice or Notices upon the said Company, or any Writ or Writs or other legal Proceedings, or Proceedings in Equity, the Service of a Copy upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place of Abode, or left at the Office of the said Company, or Service upon any Member of the said Committee, or left at his last or usual Place of Abode, or upon any known Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Expences of the Act.

CXIX. And be it further enacted, That all Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, shall be paid and discharged by the said Company out of the Monies already subscribed or hereafter to be subscribed by virtue of this Act, in preference to all other Payments whatsoever.

Public Act.

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

SCHEDULE (A.)

The Township of Oldham.

Description of Property.	Owners.	Occupiers.
A Road or Highway -	The Surveyors of Highways	—
Dwelling House, Barn, Shippon, Garden, Road, and Yard - -	The Rev. William Winter	John Winterbottom.
Yard and Garden -	Abel Crompton - -	James Kershaw.
An Occupation Road -	William Kershaw - -	Robert Wolfenden.
One Garden - -	- - Ditto - -	Joseph Kershaw.
An Occupation Road -	Alice Kershaw - -	Alice Kershaw.
Ditto - -	Alexander Radclyffe Sidebottom - -	William Dunkerley.
A Road or Way - -	- - Ditto - -	—
Ditto - - -	- - Ditto - -	—
A new Street - - -	- - Ditto - -	—
Turnpike Road from Oldham to Huddersfield -	The Trustees - -	The Trustees.
The Streets of the Town of Oldham - -	Ditto, and Surveyors -	Inhabitants and others.

The Township of Quick.

An Occupation Road -	Mark Seville - -	Mark Seville.
A Highway - -	The Surveyors - -	—
An Occupation Road, with Foundations of old Walls - -	William Winterbottom -	John Gartside.
Ditto, and a Reservoir -	- - - Ditto - -	- - Ditto.
A Plantation and a Reservoir - -	John Shaw - -	John Shaw.
A Plantation and a Reservoir - - -	- - - Ditto - -	- Ditto.

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