ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xxvii.

An Act for better supplying with Water the Borough of *Preston*, and Part of the Township of *Fishwick* adjoining thereto, in the Parish of *Preston* in the County Palatine of *Lancaster*.

[3d *April* 1832.]

WHEREAS the Inhabitants of the Borough of *Preston*, and such Part of the Township of *Fishwick* adjoining thereto as is situate within Half a Mile of the Boundary of the said Borough, in the Parish of *Preston* in the County Palatine of *Lancaster*, are not at present well or conveniently supplied with Water, and the Inhabitants of the said Borough and the said Part of the said Township, for Want of a sufficient Supply of Water for domestic and other Purposes, are subject to much Inconvenience, being obliged to have Water conveyed to them in Carts, and are also liable to increased Danger in Cases of Accidents by Fire, which Inconvenience and Danger might be prevented, and the Lives and Property of the Inhabitants of the said Borough and the said Part of the said Township better preserved and protected, if a constant Supply of Water were provided: And whereas there are several Springs of Water, called *Eccles Well*, *Walton Well*, *Chapel Well*, and *Bolton Well*, all situate in the Township of *Alston-with-Hothersall* in the said County: And whereas a constant Supply of Water for the Use of such Inhabitants might be obtained from the aforesaid Springs or

Wells, and from other Sources within the said Township of *Alston-with-Hothersall*, and also in the Township of *Grimsargh-with-Brock-holes*, in the said County, by conducting the Water from such Springs and Sources into proper Reservoirs, by means of Cuts, Drains, Tunnels, Conduits, Feeders, and other Aqueducts, and from thence by Pipes to the Houses and Premises of the said Inhabitants: And whereas the several Persons herein-after named are willing and desirous to undertake, at their own Costs and Charges, to effect the Purposes aforesaid; but the same Undertaking 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 *John Smith*, *Samuel Horrocks*, *William Taylor*, *John Bairstow*, *James Pedder*, *Michael Satterthwaite*, *Ralph Alderson*, *Richard Threlfall*, *Thomas Leach*, *James Taylor*, *Nancy Smith*, *Eliza Smith*, *Kenneth M'Kenzie*, *James Blackburn*, *Robert Brown*, *George Horrocks*, *Ann Bairstow*, *Cathrine Bairstow*, *Henry Ashcroft*, *William Sharrock*, *George Corry*, *Thomas Dowson*, *Thomas Dewhurst*, *Mary Harding*, *Robert Park*, *Thomas Copeland*, *Robert Pennington*, *William Tuson*, *John Stevenson*, *Joseph Walker*, *William Holmes*, *William Walker*, *Jonathan Atkinson*, *Leonard Billington*, *Richard Pilkington*, *William Clayton*, *John Lawe*, *Mary Bairstow*, *William Elsworth*, *John Mangnall*, *Richard Walmsley*, *Charles Birket*, *William Talbot*, *Joseph Clare*, *William Ormerod Pilkington*, *John Winstanley*, *Isaac Wilcockson*, *Margaret Calrow*, *Thomas German*, *John Haliburton*, *James Blanchard*, *Anne Eliza Horrocks*, *Thomas Miller*, *William Bailey*, *Philip Park*, *James Wilkie*, *John Carlisle*, *William Cross*, *Thomas Batty Addison*, *James Whitehead*, and *John Law*, together with all and every other Person or Persons, or Body or Bodies Politic or Corporate, who from Time to Time shall become a Subscriber or Subscribers, as herein-after mentioned, to the Undertaking for supplying the said Borough of *Preston*, and such Part of the said Township of *Fishwick* as lies within Half a Mile of the Boundary of the said Borough, with Water, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, maintaining, and continuing the Works and Conveniences by this Act authorized to be made, according to the Provisions herein-after contained, and shall for that Purpose be One Body Politic and Corporate by the Name of "The Company of Proprietors of the *Preston* Waterworks," 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 shall also have full Power to purchase and become seised and possessed of Lands, Tenements, and Hereditaments, to hold to them, their Successors and Assigns, for the Use of the said Undertaking, and without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Proprietors incorporated.

II. And

General Meetings of Company to be holden.

II. And be it further enacted, That for the better managing 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 convenient in the said Borough of *Preston*, or near to the Line of the Aqueducts by this Act authorized to be made; 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 *Castle*, or at some other House or Place in the Borough of *Preston*, 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 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 Five or more Members of the said Company, possessed of Two or more 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 Borough of *Preston* or near to the Line of the said Aqueducts, by Notice advertised in One or more Newspapers published in *Preston*, and by Bills posted on the Walls of the said Borough where Advertisements are usually placed, 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 Proprietors or Members of 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 One or more 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 Undertaking, not exceeding Twenty Votes by or for any One such Proprietor, and whether such Shares be the Property of One Individual or of a Plurality of Individuals; and any Proprietor may also vote in Right of his or her own Shares as well as Committee of any Lunatic, Guardian of any Minor, Assignee of any Bankrupt or Insolvent, or Executor or Administrator of any Testator or Intestate, on the same Occasion; and if the Number of such Votes shall be equal, the Chairman presiding at such Meetings shall have the casting Vote as such Chairman, in addition to his Vote or Votes as a Proprietor; and every Question, if required by any Proprietor, previous to any Decision by open Vote, shall be determined by Ballot, to be entered upon and completed forthwith, in which Case the Chairman for the Time being shall, as such Chairman, in like Manner have a casting Vote.

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

Chairman to have casting Vote.

III. And

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,

Form of Proxy.

'I of Proprietor of
'Shares in the Capital or Joint Stock of the '*Preston* Waterworks
'Company,' do hereby nominate, constitute, and appoint
'of (being a Proprietor 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. In witness whereof I have hereunto set my
'Hand, 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 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, to appoint any other Person, under the like Restrictions, to act as Proxy for him or her in his or her Absence.

Votes of Lunatics and Minors.

IV. And be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee, or any One of such Committee, and such Minor or Minors shall and may vote by his, her, or their Guardians, or any One of such Guardians; and the Appointment of such Committee or Guardian shall always be produced by the Person applying to vote as such Committee or Guardian before he shall be entitled to vote as such.

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

V. 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, and, under the Common Seal of the said Company, to appoint a Treasurer, Clerk, and One or more Auditor or Auditors, 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, Clerk, and Auditors, or any of them, or any other Person or Persons who shall be hereafter 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, Clerk, or Auditor 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 Auditors, or any of them, as at any such General Meeting shall from Time to Time be fixed and determined: Provided always,

Security to be taken from Treasurer, &c.

that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed such Treasurer,

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 said Company.

Same Person not to be Clerk and Treasurer.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, 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 accept both the Office 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 accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such 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 accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such 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.

VII. 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.

VIII. And be it further enacted, That all Orders and Proceedings of the said Company 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, 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 Directors.

IX. 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, Five or more Directors 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 shall continue in Office for One Year, or until others shall be chosen in their Stead, as herein-after mentioned.

Directors contracting for Work to cease to have a Voice in the Direction.

X. Provided always, and be it further enacted, That if any Person who shall be elected a Director shall offer to take or succeed in taking or shall participate in any Manner in any Work to be done for the said Company, or shall cease to be a Proprietor, every such Person shall be disqualified to be a Director, and thereupon another Proprietor shall be elected in the Stead of such Person so disqualified as aforesaid to be a Director.

Former Directors may be re-elected.

XI. Provided also, and be it further enacted, That at every annual Election or Appointment of Directors any of the former Directors 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 Directors in case of Vacancies.

XII. And be it further enacted, That every Vacancy in the Direction, by Death, Resignation, or Disqualification, shall be filled up at a Special General Meeting to be held for that Purpose within Forty Days next after such Vacancy shall happen or be known, (Seven Days previous Notice being given by the Clerk to the said Company, by advertising such Notice in some One or more Newspaper or Newspapers published in the said Borough of *Preston*); 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.

Meetings of Directors.

XIII. And be it further enacted, That the said Directors shall or may hold their First Meeting within Thirty Days after their being appointed, at such Time, and Place within the said Borough of *Preston* or near to the Line of the Aqueducts by this Act authorized to be made, 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 Borough or near to the Line of the said Aqueducts, as they shall think fit; and the said Directors shall at each Meeting appoint One of the Directors to preside as Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Directors at any of their Meetings shall be decided and determined by a Majority in Number of the Directors present (the Number present not being less than Three), and each Director having but One Vote; 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 Directors Three Directors qualified to vote shall not attend, then and in every such Case the Meeting shall be adjourned till such Time as the Directors or Director 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 Directors may at any Time, when they shall think fit, call a Meeting of the Directors by Notice in Writing signed by such Two or more Directors, 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 Director.

Seven Proprietors may call a Special Meeting to investigate the Proceedings of the Directors;

and Special Meetings may remove Directors.

XIV. And be it further enacted, That in case any Seven or more of the Proprietors of the said Company shall think proper to remove or displace all or any of the Directors, or to inquire into and investigate the Proceedings and Accounts of any such Directors, 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 Borough or near to the Line of the Aqueducts by this Act authorized to be made, 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 *Preston*, or in some other Paper circulated in the Neighbourhood; and at each Special Meeting it shall be lawful for the Proprietors then present as Principals or Proxies, being possessed collectively of Fifty Shares at the least in the said Undertaking, and not otherwise, or the Majority of them, to remove all or any of the Directors, and to elect others in their Stead, and to inquire into and investigate the Proceedings and Accounts of any such Directors, and to require the Clerk or any other Officer of the said Company, and also

also any Director or Directors for the Time being, to produce the Accounts of such Directors, and a Report of their Proceedings, at such Special Meeting, if required by the Notice calling or convening the same, the Expences of calling and holding such Meetings to be borne and paid by such Persons calling the same, unless a Majority of Proprietors and Proxies present at such Meeting shall order the same to be paid out of the general Fund of the said Company.

Power of Directors.

XV. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Power 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 Borough or near to the Line of the Aqueducts by this Act authorized to be made, 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 said Company, as in contracting for and purchasing Lands, Tenements, and Hereditaments, Materials, Goods, and Chattels, for the Use of the said Undertaking, and entering into Agreements or Contracts for supplying with Water the 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, Clerk, or Auditor to the said Company, who are to be elected and appointed at a General Meeting of the Company as in this Act mentioned), and with Salaries, Gratuities, or other Recompence, as to the said Directors 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 Rules, Orders, Bye Laws, and Regulations as shall at any Time be duly made by the said Company in Restraint, Controul, or Regulation of the Powers and Authorities by this Act granted; and the said Directors may require such Security to be given to the said Company from any Officer or Officers (not being a Treasurer, Clerk, or Auditor of the said Company) or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable.

The whole Expences to be subscribed before Work is commenced.

XVI. And whereas the probable Expence of making the said Waterworks hereby authorized to be made will amount to the Sum of Fifteen 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 Fifteen thousand Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

XVII. And

Capital not to exceed Fifteen thousand Pounds, in Shares of Fifty Pounds each, and to be Personal Estate.

XVII. And be it further enacted, That the Capital or Joint Stock of the said Company to be applied and used in establishing and carrying on the Undertaking and Purposes aforesaid shall not exceed in the whole the Sum of Fifteen thousand Pounds Sterling; and the said Sum of Fifteen thousand Pounds shall be divided into Shares of Fifty Pounds Sterling each; and the Shares in the said Undertaking, and in the net Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and as such Personal Estate shall be transmissible accordingly.

For enforcing Payment of Subscriptions.

XVIII. 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, she, and they is and are hereby respectively required to pay the Sum or Sums of Money respectively subscribed and to be subscribed for, and in such Parts and Proportions as shall from Time to Time be called for by the said Company 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; and in case any Person or Persons, Body or Bodies Politic or Corporate, shall neglect or refuse to pay any such Sum at such Time or Times and in such Manner as shall be ordered or directed by the said Company, 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 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 or Proprietors.

Subscribers to share in the Stock in proportion to their Subscriptions.

XIX. And be it further enacted, That all and every Person or Persons, Body or Bodies Politic or Corporate, by or from whom any Subscription or Subscriptions shall be or has or have been made or accepted, or by or for whom any Payment or Payments shall be made, pursuant to the Orders of any Meeting or Meetings to be held for that Purpose, for or towards the raising of the said Capital Sum of Fifteen thousand Pounds as aforesaid, his, her, or their Executors, Administrators, Successors, and Assigns respectively (no such Subscription being less than the Sum of Fifty Pounds), shall have and be entitled to a Share of and in the said Capital or Joint Stock of the said Company in proportion to the Monies which he, she, or they shall have so contributed towards making up the same, and to a proportionable Share of the Profits and Advantages attending the Capital Stock of the said Company, and shall be admitted to be a Proprietor or Proprietors of and in the same.

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

XX. And 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, Bodies Politic or Corporate, who shall be then entitled to Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and after such Entry made to cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, Successors, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and such Ticket or Instrument may be in the Words or to the Effect following; (that is to say,)

Form of Ticket.

'The Company of Proprietors of the *Preston* Waterworks.

'Number

'THESE are to certify, That *A. B.* of is
'a Proprietor of the Share [*or* Shares, *as the Case may be*,] Number
'or being Share [*or*
'Shares, *as the Case may be*,] of the Capital or Joint Stock of the
'*Preston* Waterworks Company, subject to the Rules, Regulations,
'and Orders of the said Company, and that the said *A. B.*, his, her,
'or their Executors, Administrators, [*or* Successors] and Assigns, is
'and are entitled to the Profits and Advantages of such Share [*or*
'Shares]. Given under the Common Seal of the said Company,
'the Day of in the Year of our
'Lord .'

Company may make Calls on Subscribers.

XXI. And be it further enacted, That the said Company shall have full Power at any Time or Times to make such Call or Calls upon the several Subscribers to and Proprietors of the said Undertaking, or their respective Executors, Administrators, Successors, or Assigns, for the Amount of the Subscriptions for their respective Shares, by Instalments, as the said Company shall deem requisite or necessary for the Purposes of the said Undertaking, not exceeding Twenty Pounds *per Centum* upon each Share at any One Call; and every Order for a Call shall be signed by Seven at least of the Members of the said Company for the Time being present at some Meeting of the said Company; and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company for the Time being at such Time and Place as shall be appointed by the said Company, of which Time and Place Fourteen Days Notice shall be given in such Manner as the said Company shall direct or appoint in that Behalf.

XXII. And

In default of Payment on Calls, Shares to be forfeited, and may be sold.

XXII. And be it further enacted, That if any Subscriber, Person or Persons, Body or Bodies Politic or Corporate, or Proprietor or Proprietors of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, Successors, or Assigns, shall neglect or refuse to pay his, her, or their Part or Portion of the Money to be called for by the said Company as aforesaid, by the Time appointed for Payment thereof, or within Twenty-one Days then next after, then and in such Case such Person or Persons, Body or Bodies Politic or Corporate, so neglecting or refusing, shall (whether or not the same shall then have been sued for in any Court of Law or Equity) absolutely forfeit all his, her, or their Part, Share, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the said Company, unless otherwise determined at some Meeting of the said Company; and all Shares which shall and may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall go to and make Part of the Capital or Joint Stock of the Company; but no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid until after Twenty-one Days Notice shall have been given by the Clerk of the said Company to the Owner or Owners thereof, by Notice in Writing left at his, her, or their usual or last Place of Abode, or by Letter sent by the Post; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Subscriber or Subscribers, Proprietor or Proprietors, or their Executors, Administrators, Successors, or Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for or on account of not paying up such Calls.

If the Purchase Money of such Shares shall be more than sufficient to pay the Arrears of Calls, and Interest and Expences thereon, the Surplus to be paid to the Owner, on Demand.

XXIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and legal Interest thereon, and the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons, Body or Bodies Politic or Corporate, to whom such Share or Shares shall have belonged; provided also, that the said Company 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 sufficient, as near as may be, at the Time of such Call, 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 the Payment of all and every of 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, Body or Bodies Politic or Corporate, 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.

XXIV. And

Shares may be transferred.

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

Form of Transfer.

'I [*or* We] of in consideration 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*,] in the *Preston* Waterworks Company,
'Number [*or* Numbers] in the said Undertaking, to hold
'to the said Executors, Administrators, Successors, and
'Assigns, subject to the same Rules, Orders, and Restrictions, and
'on the same Conditions as I [*or* we] held the same Share [*or*
'Shares] immediately before the Execution hereof; and I [*or* we]
'the said do hereby agree to take and accept the said
'Share [*or* Shares], subject to the said Rules, Orders, Restrictions,
'and Conditions. As witness our Hands and Seals, this
'Day of in the Year of our Lord .'

Transfers to be registered.

And every such Transfer shall be produced to the Clerk of the said Company, and shall be registered by him in the Books of the said Company, for which the Sum of Two Shillings and Sixpence shall be paid by the Person so requiring such Transfer, to such Clerk, and no more; and the Registry thereof shall specify the Dates, Names of the Parties, and the Number of Shares transferred; and a Copy of such Register, signed by the said Clerk, shall be sufficient Evidence of such Transfer, and be received and admitted as such; and until such Transfer shall be registered in the Books of the said Company, no Purchaser or Purchasers of any Share, his, her, or their Executors, Administrators, Successors, or Assigns, shall be deemed a Proprietor, or have any Part of the Profit of the said Undertaking, or in the Profits or Advantages thereof, nor shall receive any Interest or Dividends for or in respect of such Share or Shares so purchased, nor be entitled to any Vote at any Meeting or Meetings as a Member or Members of the said Undertaking in respect of such Share or Shares, until after such Transfer shall have been registered.

No Share to be sold after a Call till the Money called for is paid.

XXV. Provided always, and be it further enacted, That after any Call for Money shall have been made by virtue of this Act, no Person or Persons, Body or Bodies Politic or Corporate, shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, after the Day appointed for Payment of the said Call, until the Money so called for or in respect of his, her, or their Share or Shares intended to be sold shall be paid, and until such Money so called for shall be paid every such Sale or Transfer of any Share or Shares shall be void; and all and every Person or Persons, Body or Bodies Politic or Corporate, making default herein, shall be subject and liable to forfeit such his, her, or their Share or Shares in the said Undertaking to and for the general Benefit of the said Company, unless he, she, or they shall at the Time of such Sale or Transfer pay to the Treasurer of the said Company the full Sum of Money

called for upon every Share so to be sold or transferred, such Forfeiture nevertheless to be first notified and declared in manner directed by this Act with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

For ascertaining the Proprietorship of Shares in certain Cases.

XXVI. And whereas, in case any original Holder or Proprietor of One or more Share or Shares in the said Undertaking shall die, become insolvent or bankrupt, 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 of the said Company, it may not be in the Power of the said Company, or any Officer acting for the said Company, to know who is or are the Owner or Proprietor or Owners or Proprietors of such Share or Shares; be it therefore further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from any Subscriber or Subscribers, or 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 herein-before specified, an Affidavit shall be made and sworn to before a Master Extraordinary of His Majesty's High Court of Chancery, or One of His Majesty's Justices of the Peace for the County Palatine of *Lancaster* or Borough of *Preston*, stating the Manner in which such Share or Shares have or hath passed to such Person or Persons, Body or Bodies Politic or Corporate, his, her, or their Executors, Administrators, Successors, or Assigns; and such Affidavit shall be delivered to the Clerk of the said Company, to the Intent that he 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 in the said Undertaking, to be kept in the Office of the Clerk to the said Company.

Power to raise Money by Mortgage.

XXVII. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising any Sum of Money which may be necessary for the Purposes authorized by this Act, not exceeding the Sum of Ten thousand Pounds, by Mortgage of the said Undertaking, it shall and may be lawful to and for the said Company to borrow and take up at Interest all or any Part of the said Sum of Ten thousand Pounds by Mortgage of the said Undertaking, to be payable out of the Rents and Profits of the said Company as the said Company shall think proper; and the said Company are hereby fully authorized and empowered, under their Common Seal to grant or assign over the said Rents and Profits thereof as a Security for any Sum or Sums of Money so to be borrowed, with Interest for the same, as to them shall seem meet.

Form of Mortgage.

XXVIII. And be it further enacted, That every such Grant or Assignment so to be given as a Security for any such Sum or Sums of Money so to be borrowed by way of Mortgage shall and may be made in the Words following, or in any other Words to the like Effect; (that is to say,)

'BY virtue of an Act passed in the Second Year of the Reign of 'His Majesty King *William* the Fourth, intituled *An Act, &c.*

'[*here set forth the Title of this Act,*] We, the Company of Proprie-
'tors of the *Preston* Waterworks, incorporated under and by virtue
'of the said Act, in consideration of the Sum of
'to us lent and advanced by *A. B.* of do grant and
'convey unto the said *A. B.*, his [*or* her] Executors, Administrators,
'and Assigns, the said Waterworks, and all the Works thereunto
'belonging, and all and singular the Sums of Money arising and
'payable to us for Water by virtue of the said Act, and all our Right,
'Title, and Interest of, in, and to the same, to hold unto the said
'*A. B.*, his [*or* her] Successors, Executors, Administrators, and As-
'signs, 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 Com-
'mon Seal, this Day of in the Year of our
'Lord .'

Mortgagees entitled to Security without Preference.

And all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, to whom such Grant or Conveyance shall be made, shall be equally entitled to the respective Portions of the Profits and Advantages in the said Undertaking, according to the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment of such respective Sums, with the Interest, without any Preference by reason of Priority of any Grant or Conveyance or any other Account whatsoever.

Entries of Mortgages to be made in Company's Books.

XXIX. And be it further enacted, That a Transcript or Copy of every such Grant or Conveyance, or an Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money paid, shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company, which Book or Books shall be perused at all seasonable Times by any of the Proprietors of the said Undertaking without Fee or Reward.

Mortgages transferrable by Indorsement.

XXX. And be it further enacted, That all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, to whom any such Grant or Conveyance shall be made as aforesaid, may from Time to Time assign and transfer such Grant or Conveyance to any Person or Persons, Bodies Politic, Corporate, or Collegiate, and *toties quoties;* and the Assignment and Transfer shall and may be made by Indorsement on such Grant or Conveyance, and in the Words or to the Effect following, and be signed and sealed (or sealed, as the Case may be,) in the Presence of One credible Witness, who shall subscribe his Name and Place of Abode thereto; (that is to say,)

Form of Transfer.

'I, *A. B.*, [*or* We, *C.* and *D.*,] in consideration of the Sum of
'paid by *E. F.* of do hereby
'assign and transfer the within Security, and all my [*or* our] Right,
'Title, and Interest in and to the same, and all Benefit and Advantage
'to arise therefrom, unto the said *E. F.* Successors, or Executors,
'Administrators, and Assigns. Witness my Hand and Seal, [*or* our
'Hands and Seals, *or* our Common Seal,] this Day of
'in the Year of our Lord .'

Entries of Transfers to be made.

XXXI. And be it further enacted, That every Transfer shall within Thirty Days next after the Date thereof be produced and left

with the Clerk to the said Company, who shall within Ten Days then next following cause an Entry or Memorial to be made thereof in like Manner as of the original Grants or Conveyances; and after such Entry made, but not till then, every Person or Persons, Body or Bodies Politic or Corporate, to whom such Assignment or Transfer shall be made, his, her, or their Successors, Executors, Administrators, and Assigns, shall be entitled to the Benefit of such Grant or Conveyance, and the future Payments thereon, and to all Benefit and Advantage arising therefrom; and for the Entry of every such original Grant or Conveyance, and of every such Assignment and Transfer, the said Clerk shall be paid, by the Party to whom such Grant, Conveyance, or Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more.

Company to make the Works authorized by this Act.

XXXII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to make, construct, erect, and maintain any Reservoir or Reservoirs for Water, and to make and maintain any Cuts, Drains, Tunnels, Conduits, Feeders, and Aqueducts, in or through the Lands and Grounds mentioned and delineated in the Map or Plan and Book of Reference herein-after mentioned; and to take and use, for the Purposes of this Act, the Waters of the Springs herein-before mentioned, and of any Springs flowing in, through, or by such Lands and Grounds, or any of them, and to divert, turn, raise, and conduct the Waters of any such Springs, by means of such Cuts, Drains, Tunnels, Conduits, Feeders, and Aqueducts, into any such Reservoir or Reservoirs made for the Purpose of receiving the same as aforesaid, and for supplying the Inhabitants of the said Borough and Township with Water; and also to make, erect, build, construct, and maintain any Embankments, Walls, and other Works necessary for completing and rendering effective and maintaining such Reservoirs and Aqueducts as aforesaid, or any of them; and also to make, construct, erect, build, and maintain any Reservoirs, Cuts, Drains, Tunnels, Conduits, Feeders, and Aqueducts, and any Embankments, Walls, and such other Works as aforesaid, and to purchase, take, and use any Wells or Springs of Water on or in any Lands and Grounds within the Limits of this Act, and any Land immediately adjoining such Wells or Springs which may be necessary or convenient for the Use and Enjoyment thereof, with the Consent of the Owners or Proprietors of such last-mentioned Lands and Grounds, in order to raise, collect, and provide a sufficient Supply of Water for the Purposes of this Act; and also to erect, construct, make, and maintain any Pumps and Waterworks on any of the Lands and Grounds aforesaid; and to lay and put down or place any Main Pipe and Branch Pipe in or through any of the Lands or Grounds aforesaid, and also in or through all or any of the Highways, Roads, Streets, Lanes, and other public Passages and Places within the Limits of this Act, which said Pipes shall be laid at the Depth of at least Three Feet, except in passing over Bridges or Arches; and for executing the Purposes aforesaid, and also afterwards for inspecting or repairing the Works aforesaid, it shall be lawful for the said Company, and their Agents, Servants, Workmen, and Assistants, from Time to Time to enter

enter upon the Lands and Grounds aforesaid, and to mark and stake out such Part or Parts thereof as shall be necessary to be taken and used or to be dug and broken up for executing any of the Purposes of this Act, without being deemed a Trespasser or Trespassers; and also to take and use such Part and Parts of such Lands and Grounds as shall be wanted for effecting the Purposes of this Act, and to break up the Soil thereof, and to bore, cut, dig, trench, and sough the same Lands and Grounds, and to get, remove, place, lay, take, and carry away and use any Earth, Soil, Clay, Stones, Gravel, Sand, Trees, Roots of Trees, Rubbish, and other Matters and Things which may be dug and got in the Prosecution of any of the Works aforesaid, or afterwards in repairing or maintaining the same in repair; and to break up, open, and relay or remove the Soil or Pavement in any present or future Highway, Road, Street, Lane, and other public Passage or Place within the Limits of this Act, or any Sewers or Drains therein, for the Purpose of laying, putting down, or placing any Main Pipe or Branch Pipe, or any Service Pipe, or for executing any of the Works by this Act authorized to be erected, made, done, or executed, or for inspecting, repairing, and maintaining the same after the same shall be laid, put down, placed, replaced, made, done, or executed; and from Time to Time to repair, alter, take up, re-construct, renew, remove, or replace any of the Works, Matters, or Things aforesaid, as Occasion shall require; and also from Time to Time to make, construct, and erect, lay, place, affix, or provide, and to repair and maintain, or alter or remove and renew, any Service Pipes, Cisterns, Ponds, Basins, Sluices, Branches, Valves, Plugs, Bores, Cocks, Stopcocks, Chamber-cocks, Firecocks, Fire Plugs, Branches, Machines, Devices, Matters, and Things which shall be expedient or necessary for distributing and conveying such Water to the respective Houses, Factories, Warehouses, Workships, Offices, and other the Buildings and Premises within the Limits of this Act; and from Time to Time, as Occasion may require, to do all other Acts, Matters, and Things which shall be necessary or proper for completing, amending, repairing, and improving, and for using the Works authorized by this Act to be done and provided, for the Purposes and according to the true Intent and Meaning of this Act; they the said Company, or their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in the Manner herein-after mentioned to all Persons interested in any Lands, Grounds, Tenements, and Hereditaments, for any Damage which shall 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 Servants, Agents, and Workmen, and other Persons whomsoever, for what they or any of them shall do by virtue of this Act, subject nevertheless to such Provisions or Restrictions as are herein-after contained: Provided always, that the said Company shall and they are hereby required to leave open and uncovered the Water of the said Springs at the Wells called *Eccles Well*, *Chapel Well*, *Walton Well*, and *Bolton Well*, for the Use of all Persons resorting thereto, as heretofore, and for the Purposes for which the Water at such Wells has heretofore been used.

XXXIII. Pro-

Not to enter the Lands of Mr. William Wood.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful and competent for the said Company at any Time hereafter to enter upon or do any Act whatsoever, in pursuance of this Act, in, through, under, or touching any Lands now belonging to *William Wood* of *Liverpool* in the County of *Lancaster*, Gentleman, within the Borough of *Preston* aforesaid, or upon, or in, through, or under, or in anywise affecting the newly laid out Streets or Roads set out and passing over, through, across, or between any such Lands of the said *William Wood*, without the Consent in Writing of the said *William Wood*, his Heirs or Assigns, first had and obtained: Provided also, that any such Consent as may be so given from Time to Time shall affect only such Parts of the said Lands, Roads, and Streets, and Premises as shall or may be in each such Consent particularly described, and no others.

Protection to Mill Owners.

XXXIV. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, their Successors or Assigns, or any Person or Persons acting under their Authority, to take or divert any Water whatever heretofore accustomed to run or flow to the Mills called *Cadley Mill* and *Cottam Mill*, for the Use of the said respective Mills, or to the Use and Benefit of which Water the Owners or Occupiers of the said Mills or either of them are or would otherwise be entitled, without the Consent of such Owners and Occupiers, (save and except any Water which may flow from the Lands in *Grimsargh* aforesaid occupied as a Reservoir for the Use of the said Undertaking,) but that such Owners and Occupiers, and each of them, shall have all such Right of Action and other legal and equitable Remedy for any such taking or Diversion of any such Water (except as aforesaid) as if this Act had not been passed.

Where small Parcels of Land are intersected, Company to purchase the whole.

XXXV. And be it further enacted, That if in making the Aqueducts, Reservoirs, or other Works hereby authorized to be made any Field or Parcel of Land or Ground shall be cut through, divided, or severed so as that any Piece or Parcel thereof shall be left which shall be less than Half an Acre in Quantity or less than Fifty Yards in average Breadth throughout the whole Length thereof, and if the Owner or Proprietor thereof shall not have any other Land or Ground adjoining to any such Piece or Parcel which shall be so left, then and in every such Case, if such Owner or Proprietor shall so require, but not otherwise, the said Company shall also take and purchase such Piece or Parcel or Pieces or Parcels of Land or Ground so left, being less than Half an Acre in Quantity or less than Fifty Yards in average Breadth throughout the whole Length thereof as aforesaid, the Value thereof to be ascertained in the same Manner as is herein directed concerning any Land or Ground to be taken and used for the Purposes of this Act; and in any such Case, where any such Owner or Proprietor shall be also the Owner or Proprietor of any adjoining Land or Ground, and shall be desirous of having any such small Piece or Parcel of Land or Ground laid into such his or her adjoining Land or Ground, and shall require the same, the said Company shall and they are hereby required to take down the intervening Fence or Fences, and lay the same, in a workmanlike Manner, together in One Parcel accordingly, and also to erect and make a good and sufficient

Fence thereto on the Side thereof adjoining the Lands or Works of the said Company; and in case of any Neglect of the said Company so to do for the Space of Forty Days after being required by any such Owner or Proprietor, then it shall be lawful for any such Owner or Proprietor to cause the same to be done, and to recover the Expences thereof, together with the Costs of such Recovery, from the said Company, by way of Damages, in the same Way as any other Damages may be recovered by virtue of this Act from the said Company.

New Roads to be made where any present Roads are diverted or injured.

XXXVI. And be it further enacted, That in all Cases where it shall be found necessary for the Purposes of this Act to take or use any Carriage Road or Horse Road or Footway, either public or private, or any Part thereof, so as to render the same impassable, unsafe, or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, or to divert or turn any such Road or Way, the said Company shall at their own Expence make and complete and put into good Repair a new Road or Way of a Width not less than the former; and when such new Road or Way shall be so made and completed and put into good Repair, the same shall be for ever thereafter repaired and kept in repair by such Person or Persons, Hundred, Parish, Township, Hamlet, or Place, as ought by Law to repair the old Road or Way in case such Alteration or Diversion had not been made.

Power to take Land limited to Five Years.

XXXVII. Provided also, and be it further enacted, That it shall not be lawful for the said Company, after the Expiration of Five Years from the Day of the passing of this Act, to take and use any Lands, Grounds, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, which shall not have been taken and used or purchased under the Powers and Authorities of this Act within the said Period of Five Years, except with the Consent in Writing of the Owners or Proprietors thereof; any thing herein contained to the contrary notwithstanding.

Map or Plan deposited with the Clerk of the Peace to remain there for Inspection.

XXXVIII. And whereas a Map or Plan, describing the Line of the intended Aqueducts and Conduits, and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs, 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 Office of the Clerk of the Peace for the said County Palatine of *Lancaster*; be it therefore further enacted, That the said Map or Plan 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 Person shall at any reasonable Times have Liberty to inspect and peruse the same, and have a Copy thereof or such Part thereof as such Person or Persons shall require, such Copy or Copies to be made by the said Clerk of the Peace or his Deputy, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies; and that the said Company shall not, in laying and making such Aqueducts and Conduits of the aforesaid Water, deviate more than One hundred Yards from each Side of the Line or Course

Limiting Deviation from Plan.

so described in the said Map or Plan, nor in making such Reservoirs deviate more than Twenty Yards from the Situations described in such Map or Plan; and that the said Company shall not in making any such Deviations take or use any Lands or Grounds which are not described in the said Map or Plan and Book of Reference; nor shall the said Company make any Deviation whatever in or through any private Lands or Grounds situate within the Borough of *Preston*.

Error in Book of Reference not to prevent the Works being made.

XXXIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company to make the said Reservoirs, Aqueducts, Conduits, and Works into, upon, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers of Land described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two Justices of the Peace for the said County, or Borough of *Preston*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses, &c. not to be injured, nor Land taken without Consent.

XL. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to enter, take, use, injure, or damage, in the Exercise of any of the Powers herein contained, any House or Houses or other Buildings erected or built before the passing of this Act, or any Garden, Orchard, Yard, Park, Paddock, Plantation, Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, without the Consent of the Owner thereof for the Time being first had and obtained in Writing for that Purpose, except such as are mentioned or described in the Schedule to this Act annexed marked (A.)

Compelling the Company to purchase certain Premises.

XLI. Provided always, and be it further enacted, That before the said Company shall proceed to make or erect any of the Works by this Act authorized to be made and erected, they shall and are hereby required to purchase and make Compensation for certain Water Pipes and other Works, or Part or Parts thereof, laid down or made in the said Borough of *Preston* under and by virtue of a Lease granted in the Year One thousand seven hundred and twenty-nine, by the Mayor, Bailiffs, and Burgesses of the said Borough, enabling certain Persons to supply the Inhabitants of the said Borough with Water, and which the present Proprietors are willing and desirous to sell to the said Company; and the said Company shall and are hereby required, before they shall proceed to make or erect any such Works as aforesaid, also to purchase and make Compensation for a certain Water Corn Mill, Dams, Waters, Lands, Rights, and Premises belonging thereto, and usually occupied therewith, situate in the said Township of *Grimsargh with Brockholes*, called or known by the Name of *Grimsargh Mill*, the Proprietor whereof is willing and desirous of selling the same to the said Company: Provided always nevertheless, that it shall not be lawful for the said Company, or

or their Successors or Assigns, or for any Person or Person whomsoever, so long or during such Time as the said Mill and Premises shall be or remain the Property of the said Company, to use or occupy the said Mill and Premises or any Part thereof as a Corn Mill or otherwise for any Purposes of Trade.

Bodies Politic, &c. empowered to sell and convey Lands, &c.

XLII. 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 to and for all Tenants for Life, and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be thought necessary by the said Company to be purchased for the Purposes of the said Undertaking, to contract, and to lease, sell, and convey the same, and every or any Part thereof, and all Right and Interest therein, to the said Company; and all Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person, and Persons claiming under them, as effectually as Fines or Common Recoveries could do if levied or suffered by the proper Parties in Form of Law, any Law, Statute, or Usage, or other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all such Contracts, Leases, Sales, and Conveyances shall be made at the Expence of the said Company; which said Leases, Sales, Conveyances, and Assurances shall be kept by the said Company, and their Clerk shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons interested therein requiring the same, and shall have and receive, for every One hundred Words of each such attested Copies, Sixpence, and so in proportion for any less Number of Words; and every such Conveyance to be made by virtue of this Act in the Manner and Form aforesaid shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

XLIII. And

Form of Conveyance.

XLIII. 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 or to the Effect following, or as near thereto as may be; (that is to say,)

'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 Company of Proprietors of the *Preston* Waterworks, 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 Company for ever, [*or*, *as the Case may be*,] during all the Remainder 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 .'

Satisfaction to be made for Lands taken.

XLIV. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is or are seised, possessed of, or interested in any Lands, Tenements, and Hereditaments upon or through which the said Reservoirs, Aqueducts, and other Works are intended to be built, made, and constructed, or of or in any Lands through or upon which the overflow or other Water may run, overflow, or pass, or which shall suffer or sustain any Injury or Damage from the building, making, constructing, maintaining, supporting, or continuing such Reservoirs or other Works, or from or by the overflow or other Water thereof, or by or in consequence of the Execution of any of the Powers hereby granted, may accept and receive Compensation or Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and for the Damages to be sustained by or in consequence of the making, completing, or continuing the said Works herein directed and authorized to be made, or any of them, as shall be agreed upon by and between the said Parties interested respectively, or any of them, and the said Company or their Directors; and in case the said Parties so interested in the said Lands, Tenements, and Hereditaments, or any of them, and the said Company or their Directors, cannot agree as to the Amount or Value of such Compensation or Satisfaction, the same shall be settled and ascertained as is herein-after directed.

If Parties are dissatisfied they may cause a Jury to be impannelled to decide the Matter.

XLV. Provided always, and be it further enacted, That if any such Body Politic, Corporate, or Collegiate, or any Feoffee or Feoffees in Trust, Executor, Administrator, Husband, Guardian, Trustee, Committee of or for any Idiot or Lunatic, or any Feme Covert, or any Person, whether Tenant for Life or in Fee Tail, General or Special, or

or for Years determinable on any Life or Lives, or any other Person or Persons, seised or possessed of, interested in, or entitled to any of the Lands, Tenements, and Hereditaments authorzed by this Act to be purchased by the said Company, or if any Body Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, shall suffer or sustain any Injury or Damage from or in consequence of the building, making, constructing, maintaining, supporting, or continuing such Reservoirs, Aqueducts, or other Works as aforesaid, or any of them, or from or by the overflow or other Water thereof, or by or in consequence of the Execution of any of the Powers hereby granted, and shall not accept such Purchase Money or other Compensation as shall be offered by the said Company or their Directors respecting the Purchase thereof, or the Satisfaction to be made for any such Injury or Damage, and shall give Notice in Writing to the Clerk of the said Company or of the said Directors, requiring a Jury to be summoned for the Purpose of assessing the Price of such Purchase or the Amount of such Satisfaction from Time to Time claimed or to be claimed, or if any such Body Politic, Corporate, or Collegiate, or any Person or Persons so interested or entitled as aforesaid, shall, upon Notice in Writing given by the Clerk of the said Company or of the said Directors to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Feoffee or Feoffees in Trust, Executors, Administrators, Husband, Guardian, Trustee, Committee of or for any Idiot, Lunatic, or any Feme Covert, or to such Tenant for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or other Person or Persons so interested or entitled as aforesaid respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or other Hereditaments, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment cannot treat for themselves or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the beforementioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which he, she, or they respectively is or are or shall be in Possession of, and the Interest which he, she, or they respectively may claim therein, then and in every such Case the said Directors or any Three or more of them shall and they are hereby empowered and required, within Twenty-one Days after the Receipt of such Notice by the Clerk to the said Company or of the said Directors, or after the Expiration of Twenty-one Days after the Delivery of such Notice by the said Clerk (as the Case may be), to issue a Warrant under their Hands and Seals directed to the Sheriff of the County of *Lancaster*, commanding such Sheriff to impannel, summon, and return a Jury, and the said Sheriff is hereby required accordingly to impannel, summon, and return a Jury of Twenty-four honest, sufficient, and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby required, out of the Per-

sons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff shall return other honest, sufficient, and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to make up the said Jury to the Number of Twelve; and it shall and may be lawful to and for all Persons concerned to have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby empowered and required, by a Summons or Notice to be signed by such Sheriff either previous to or at the Time of any such Meeting or Meetings, to call before them all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching and concerning the Premises; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matter or Matters in question, if there be Occasion, and to use all other lawful Ways and Means, as well for his own as for the Jury's better Information in the Premises, as the said Sheriff shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff is hereby empowered and required to administer) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, and what Recompence and Satisfaction shall be made to any such Body or Bodies, Person or Persons, in respect of any Loss, Damage, or Injury sustained or to be from Time to Time sustained on account of the Execution of this Act, and shall assess separate Damages for the same; and after the said Jury shall have inquired of, ascertained, and settled such Damage, Recompence, and Satisfaction, the said Sheriff shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Company, or by the said Directors on their Behalf, to the said Owners or Occupiers of or other Person or Persons interested in the said Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury, and shall give Judgment for such Purchase Monies, Recompence, or Satisfaction to be assessed by such Jury; which said Verdict or Inquisition, Order and Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever claiming any Estate in Fee Simple or Fee Tail, for Life or Lives, in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs, Successors, Executors, and Administrators, Infants, Issue unborn, Femes Covert, Persons beyond the Seas, and under any other Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as the said Company and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary thereof notwithstanding.

XLVI. And

Penalty on Jurymen and Witnesses for not attending.

XLVI. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Regulations, and to the same Pains and Penalties for such Default, as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear, after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or shall not allege a sufficient Excuse to the said Sheriff for not appearing, or appearing shall refuse to be sworn and examined, or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before One of His Majesty's Justices of the Peace for the County, Borough, or Place in which the Matter or Question shall arise, upon the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, according to the Discretion of the said Justice; and in case any such Penalty shall not be forthwith paid, it shall and may be levied by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person so offending the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and every such Penalty which shall be paid by or recovered from any such Person who shall be impannelled, summoned, and returned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Persons.

For punishing Persons guilty of wilful and corrupt Perjury.

XLVII. And be it further enacted, That all and every Persons and Person who in any Examination to be taken upon Oath by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws of this Realm subject and liable to.

By whom Expences of Jury shall be paid.

XLVIII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Company as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the

the Verdict or Judgment thereon, shall be borne by the said Company out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Twenty-one Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of the Monies received by him or them by virtue of this Act, which he or they is and are hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County Palatine of *Lancaster* or Borough of *Preston*, 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 or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the County Palatine of *Lancaster* or Borough of *Preston*, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

The Value of Lands and Compensation for Damages to be assessed separately.

XLIX. And be it further enacted, That the said Sheriff and Juries, in their Awards, Determinations, Adjudications, Judgments, and Verdicts which they shall give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Tenements, and other Hereditaments, shall separately and distinctly proportion off any particular Estate, Term, or Interest, and also any Damages sustained or

to be sustained by any Body or Bodies and Person or Persons whomsoever, in consequence of the Execution of any Powers of this Act, and shall assess and adjudge the Value set upon such Estate, Term, and Interest, and the Money assessed and adjudged for such Damages as aforesaid, distinct and apart from each other.

Power to enter Lands on Payment, &c. of Purchase Money.

L. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, or by any Justice, as herein-after mentioned, for the Purchase of any Lands, Tenements, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall be so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested as aforesaid, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of the said Sum or Sums of Money into the Bank of *England* as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, (or before such Payment, Tender, or Investment, with the Consents in Writing of the Proprietors and Owners thereof,) and then and thereupon such Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become and be the sole Property of the said Company, to and for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to 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 therein: Provided nevertheless, that before such Payment, Tender, or Investment in the Bank of *England* as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to dig or cut into, take or use, such Lands, Tenements, or Hereditaments for the Purpose of making the said Waterworks or other Works hereby authorized to be made, without the Leave of the respective Owners and Occupiers thereof in Writing under their respective Hands.

Verdicts of Juries to be recorded.

LI. And be it further enacted, That the said Verdicts and Judgments so given shall be transmitted by the Sheriff before whom the same shall be taken as aforesaid, to and kept by the Clerk of the Peace, or other Person or Persons having the Custody of the Records

of the Quarter Sessions of the said County of *Lancaster*, and shall be deposited with and be deemed to be Records of such Quarter Sessions respectively to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, or to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

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

LII. And be it further enacted, That in case the Value or Amount of any Compensation or Satisfaction to be made for any of the Lands, Tenements, or Hereditaments aforesaid, or for any Damages from Time to Time claimed or to be claimed, 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 Two Justices of the Peace acting for the said County or Borough, and shall and may be levied and recovered by Warrant under the Hands and Seals of any such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the said Company, unless the Treasurer of the said Company shall pay and discharge the same within Twenty-one Days next after the Day the same shall be ascertained and settled by such Justices as aforesaid, 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.

Application of Money to be paid when amounting to 200*l.* or upwards.

LIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed 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 "*ex-parte* the Company of Proprietors of the *Preston* Waterworks," pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty, 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; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments,

1 G. 4. c. 35.

Hereditaments, or affecting other Lands, Tenements or Hereditaments settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to or exceeding 20*l.*

LIV. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal 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 or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, 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, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

LV. And

When less than 20*l.*

LV. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out a good Title, &c.

LVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Company, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid 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 so awarded to 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 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, upon the Application of any Person or Persons making claim to any such Sum or Sums of Money, or to 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, or 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 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 the same, mentioning and specifying 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 as aforesaid.

In case of disputed Titles, the Person in possession to be deemed lawfully entitled.

LVII. And be it further enacted, That when 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 Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Company, 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 of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LVIII. 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 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 the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to sell Lands, &c. not wanted for the Purposes of the Act.

LIX. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of any Part of any Lands, Tenements, or Hereditaments which may be purchased in pursuance of this Act, and which may afterwards become useless or unnecessary for the Purposes of this Act, and by Indenture under their Common Seal absolutely to grant and convey any such Part or Parts of the Lands, Tenements, or Hereditaments which shall have been so purchased, and shall not be wanted for the Purposes aforesaid; and all such Conveyances from the said Company shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the said Lands, Tenements, or Hereditaments shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and such Person or Persons shall not be answerable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof: Provided always, that before the said Company shall sell and dispose of such Lands, Tenements, or Hereditaments, or their Estate or Interest therein, they shall first offer to sell the same to the Person or Persons whose Lands, Tenements, or Hereditaments shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold, and giving Notice in Writing to such Person or Persons that such Offer

is made in pursuance of the Provisions of this Act, and specifying the Particulars of such Provisions; and in case such Offer shall not be accepted, or if the said Company and such Person or Persons shall differ and not agree as to the Price or Rate thereof, and such Person or Persons shall signify his, her, or their Desire to purchase the same, by a Notice in Writing to be given or left with the Clerk of the said Company within Fourteen Days after such Offer, at a Price to be settled and adjusted by a Jury, to be summoned in case of Purchases made by the said Company, or by Two Justices, (as the Case may be,) as herein mentioned, *mutatis mutandis*, which Notice shall be deemed an actual Contract for Purchase of the said Premises as against the Party or Parties giving the same, at a Price which shall be adjusted and settled by such Jury; and in case such Person or Persons shall not agree to purchase, or shall not give such Notice of his, her, or their Intention of purchasing the same within Fourteen Days after such Offer of Sale, then and in every such Case, an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Lands, Tenements, or Hereditaments shall be situated, by some competent Person or Persons, stating that such Offer was made by or on the Behalf of the said Company, and was not then and thereupon agreed to by the Person or Persons to whom the same was so made, and that no such Notice as aforesaid was given, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was not agreed to by the Person or Persons to whom it was made (as the Case may be), and that such Notice as aforesaid was not given.

Application of Purchase Money.

LX. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company as the Consideration of any such Sales as aforesaid shall be paid, applied, and disposed of in such and the like Manner as any other Sums of Money arising or to arise from the said Waterworks respectively are hereby directed to be paid, applied, and disposed of.

The Words "grant, bargain, and sell" to operate as Covenants for the Title.

LXI. And be it further enacted, That in all Grants and Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Words "grant, bargain, and sell," shall amount to and be construed and adjudged, in all Courts of Judicature, to be express Covenants to the Grantee, Lessee, or other Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant, Release, or Conveyance seised of the Hereditaments and Premises thereby granted, conveyed, and sold of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof, against the said Company, their Successors and Assigns, and all claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Company and their Successors.

LXII. And

For making good Deficiencies in the Land Tax.

LXII. And whereas by reason of taking down Houses and Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessment for Land Tax in the said Borough of *Preston* and Township of *Fishwick;* be it therefore enacted, That the said Company shall, from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of the said Borough and Township, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said Assessment for Land Tax within the said Borough and Township, by reason or means of taking down or using, for the Purposes of this Act, any Houses, Buildings, or Premises liable to such Assessment, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Inhabitants may lay Pipes to those of the Company after giving Notice.

LXIII. And be it further enacted, That such of the Inhabitants of the said Borough and of the said Part of the said Township of *Fishwick* as shall be desirous of having Water from the Waterworks of the said Company conveyed into their Houses, Buildings, or other Premises, may and are hereby authorized and empowered, at their own Expence, (having given Six Days previous Notice in Writing of his or her Intention so to do to the said Company, and with the Consent of the "Commissioners for the Improvement of the Borough of *Preston* in the County Palatine of *Lancaster*," and of the Owners of the Premises through which the Pipes shall be conveyed,) to open the Ground between the Company's Aqueducts or Main Pipes and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay any Leaden or other Service Pipe or Pipes (the Bore thereof to be of the Dimensions of Three Quarters of an Inch without the Consent of the said Company, or of a greater Bore with the Consent of the said Company,) from such respective Houses, Buildings, or other Premises, to communicate with the said Aqueducts or Main Pipes, such respective Inhabitants paying to the said Company the Rates or Sums herein-after mentioned: Provided always, that all and every Person or Persons who shall have laid any Leaden or other Service Pipe or Pipes as aforesaid shall be at liberty to remove and take away such Pipe and Pipes, and the Cock or Cocks belonging thereto, having first given Twenty-four Hours Notice in Writing to the said Company of his, her, or their Intention so to do, and of the Time of the doing thereof, and doing no Injury or Damage to the Pipes of the said Company.

Cisterns and Ball Cocks to be provided.

LXIV. And in order to prevent as much as possible the wilful and negligent Waste of Water, be it further enacted, That each and every Person supplied with Water by virtue of this Act shall, on being required by the said Company or their Directors, provide a proper

proper Cistern or Cisterns of Lead, Stone, Brick, Wood, or other Materials, to receive and hold such Quantity of Water as shall be deemed sufficient for his, her, or their Consumption; and he, she, and they is and are hereby required to provide a Ball and Stop Cock, and to fix or cause to be fixed the same to the Pipe conducting the Water from the Main or Service Pipes belonging to the said Company, to such Cistern or Cisterns, and at all Times afterwards shall keep the same in good Repair, for the Purpose of preventing the Water running into such Cistern or Cisterns from running to Waste when the same shall be full; and in case any Person or Persons supplied with Water by virtue of this Act shall (on being required so to do as aforesaid) neglect to provide such Cistern or Cisterns, and also a Ball and Stop Cock, and to affix or cause to be affixed the same in manner aforesaid, for the Purpose of preventing the Water from running to Waste when such Cistern or Cisterns shall be filled as aforesaid, it shall and may be lawful to and for the said Company or for their Directors, or any Person or Persons acting by virtue of or under the Authority of the said Company, to cut off the Pipe and turn off the Water by such Ways and Means as to him or them shall seem right or proper, from the House, Building, or other Premises of every such Person, until such Cistern or Cisterns, and Ball and Stop Cock, shall be provided, and such Ball and Stop Cock added in manner aforesaid.

Penalty on Persons not repairing Pipes, &c.

LXV. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, or Cock or Cocks attached thereto, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said Company, 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, it shall and may be lawful to and for the said Company to cause the said Pipes and Cocks to be repaired, and the Expences attending the same to be payable by such Person or Persons so allowing any of his, her, or their Pipes to be out of Repair as aforesaid, and recoverable in like Manner as is provided for the Recovery of Rent as herein-after mentioned.

Limiting the Rates to be paid for Water, &c.

LXVI. And be it further enacted, That the said Company shall be obliged, in the Manner before directed, to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Square, Street, Close, or Lane of the said Borough of *Preston* and Part of the said Township of *Fishwick* where the Pipes of the said Company shall be laid, for the Use of his or her own Family, at the following Rates *per Annum;* (that is to say,) where the Rent of such Dwelling House or Part of a Dwelling House shall not exceed Ten Pounds *per Annum*, at and after the Rate of Twenty Shillings *per* Year; and where such Rent shall be above Ten Pounds and not exceeding Twenty Pounds *per Annum*, at a Rate not exceeding Two Pounds *per* Year; and where such Rent shall be above Twenty Pounds and not exceeding Thirty Pounds *per Annum*, at a Rate not exceeding Two Pounds and Sixteen Shillings *per* Year; and where such Rent shall be above Thirty

Pounds and not exceeding Forty Pounds *per Annum*, at a Rate not exceeding Three Pounds and Fifteen Shillings *per* Year; and where such Rent shall be above Forty Pounds and not exceeding Sixty Pounds *per Annum*, at a Rate not exceeding Five Pounds *per* Year; and where such Rent shall be above Sixty Pounds and not exceeding Eighty Pounds *per Annum*, at a Rate not exceeding Five Pounds and Twelve Shillings *per* Year; and where such Rent shall be above Eighty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate not exceeding Six Pounds Five Shillings *per* Year; and where such Rent shall exceed One hundred Pounds *per Annum*, at a Rate not exceeding Seven Pounds *per* Year; and every such Rate shall be payable according to the actual Amount of the Rent where the same can be ascertained, and where the same cannot be ascertained, according to such Rent as such Inhabitant shall be assessed for the House Tax: Provided nevertheless, that the said Company shall not be entitled to receive from any such Inhabitant more than the Sum of Ten Pounds in any One Year for such Supply, nor shall such Company be obliged to furnish such Supply to any Inhabitant for less than Twelve Shillings in any One Year, unless they shall think fit so to do; and provided further, that in the Case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or her own Family's Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purpose of any Trade or Business whatsoever, such Supply shall be furnished by the said Company in such Cases at such Rate as shall be settled by and between the Directors of the said Company and such Persons respectively.

Remedy in case the Rates are in arrear.

LXVII. And be it further enacted, That in case of Default in Payment of any Rate or Rates or Sum or Sums of Money at any Time or Times to be due or payable to the said Company under or by virtue of this Act, it shall and may be lawful for the said Company to cause any Service Pipe or Pipes used for supplying with Water the Person or Persons making such Default, and communicating with the Aqueducts or Main Pipes belonging to the said Company, to be separated from the said Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the Houses, Buildings, and other Premises of every Person making such Default; and the Rate or Rates, Sum or Sums of Money which shall be due and in arrear from such Person or Persons to the said Company, and every Part thereof, shall be recoverable and shall and may be recovered by the said Company, together with the Costs and Expences of removing such Pipes and stopping such Water, and of making the Distress, by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting or liable to pay the same or any Part thereof, wherever such Goods and Chattels may be found, in the same Manner as Rents reserved or in arrear on common Demises may by Law be recovered, or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

LXVIII. Pro-

When several Houses, &c. are supplied by One common Branch Pipe, each Occupier to be liable to Rates.

LXVIII. Provided always, and be it further enacted, That where several Messuages, Cottages, Dwelling Houses, or Tenements in the Occupation of several Persons shall be supplied by One common Service Pipe to be laid to and introduced into any Reservoir, Main Pipe, Branch Pipe, or Aqueduct, 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 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 Service Pipe from the Waterworks of the said Company; and such several Rates, in case of Nonpayment, shall be recoverable and recovered in like Manner as any other Rates are recoverable or may be recovered by virtue of this Act.

Penalty for not supplying Water to Inhabitants.

LXIX. 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 House in any Square, Street, Close, or Lane where the Pipes of the said Company shall be laid, with Water, for the Use of his or her own Family, at the Rate aforesaid, for the Space of Five Days, (after Demand in Writing shall have been made by such Inhabitant to the Clerk or Engineer of the said Company for the Time being for such Supply of Water, and Tender made to such Clerk or Engineer 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, (in case the said Company at the Time of such Demand and Tender being made can grant such Supply of Water without lessening the Supply to the other Tenants of the said Company, but not otherwise,) to be levied and recovered, together with such reasonable Costs and Charges as shall be awarded and allowed by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace acting for the said County Palatine of *Lancaster* or Borough of *Preston*, by Distress and Sale of the Goods and Chattels of the said Company, and also the further Sum of Twenty Shillings for every Day the said Company shall continue to neglect or refuse such Supply, to be recovered as the above-mentioned Penalty is herein-before directed to be recovered.

Penalty on Persons supplying Water to others not agreeing with Company.

LXX. And be it further enacted, That if any Person or Persons supplied with Water by virtue or under the Directions of this Act shall supply any other Person or Persons not having agreed with the said Company to be supplied with Water from the said Waterworks, or shall wilfully permit or suffer any other Person or Persons, not having so agreed to be supplied, to take any Water, or if any Person or Persons, not having so agreed to be supplied, shall take or use any Water at or from any Reservoir, or any Soughs or Pipes leading thereto, or any Main Pipe or Branch Pipe or Service Pipe, or any Cock affixed or to be affixed to any Reservoir, Aqueduct, or Pipe made, laid, or used for the Purposes of this Act, or from any Cistern or other Receptacle for Water as aforesaid, or if any Person or Persons shall, by negligently suffering his, her, or their Service Pipes or Cisterns, or the Cocks belonging thereto, to be out of repair, occasion the

the Water thereby supplied to run waste or useless, then and in every such Case every Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of any Justice of the Peace for the County Palatine of *Lancaster* or Borough of *Preston*, before whom any Penalty may be recovered as herein-after provided.

Persons permitted to supply Water in certain Cases.

LXXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person or Persons whomsoever supplied with Water by virtue of this Act to a Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks belonging to any Person or Persons supplied with Water by virtue of this Act shall or may happen to be out of repair, such Pipe or Pipes, Cock or Cocks, nevertheless to be repaired as soon as may be after any Damage shall happen thereto.

For enabling Company to enter Premises to see that there is no Waste of Water.

LXXII. And be it further enacted, That it shall and may be lawful to and for the Engineer or any other Person or Persons acting by or under the Authority of the said Company or of their Directors, between the Hours of Ten in the Forenoon and Four in the Afternoon, upon giving Twelve Hours previous Notice of 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; and if such Engineer or other Person acting by or under the Authority of the said Company or their Directors 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 it shall and may be lawful to and for the said Company to cut and turn off the Water supplied by the said Company from such House, Building, or other Premises.

Water to be used in extinguishing Fires.

LXXIII. 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 or supplied from any Pipes or Aqueducts of the said Company in the extinguishing of any Fire or Fires which may happen to any House or Building, Goods or other Property, within the said Borough of *Preston* and the said Township of *Fishwick*, without making any Satisfaction or Compensation for the same to the said Company or any other Person or Persons whomsoever.

Requiring the Company to fix Fire Plugs.

LXXIV. And be it further enacted, That the said Company shall and they are hereby required, upon the carrying into and laying down any Main Pipe in any Street, Passage, or Place for supplying the same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One proper and sufficient Fire plug in each such Street, Passage, or Place, and also so many and such

such other proper and sufficient Fireplugs in each such Street, Passage, or Place as the "Commissioners for the Improvement of the Borough of *Preston* in the County Palatine of *Lancaster*" shall require, at Distances not nearer than One hundred Yards from each other, for the Supply of Water for the extinguishing of Fires; and when and so soon as any such Fireplug or Fireplugs shall be finished, the said Company shall immediately deliver a Key or Keys of such Fireplug or Fireplugs at each Place within the Borough of *Preston* and Township of *Fishwick* aforesaid where any Engine shall be kept for the extinguishing of Fires, and shall from Time to Time keep such Fireplugs in good and sufficient Repair, Order, and Condition.

Watering Places to be made in certain Cases.

LXXV. And be it further enacted, That in Case any Close or Inclosure or other Land through which the Water from the said Springs and Sources which the said Company are by this Act authorized to take now doth run or hath heretofore been accustomed to run, shall by reason of such Water being so taken be deprived of the Benefit of such Water, or in case any Buildings, Lands, or Hereditaments where any such Water shall have been heretofore used shall be deprived, hindered, or abridged in the Supply and Enjoyment of such Water to the same Extent as heretofore, then and in any or either of such Cases happening the said Company shall and they are hereby required, within Five Days after Notice in Writing of such Deprivation, Hindrance, or Abridgment, from the Owner or Occupier of any such Close or Inclosure, Buildings, Lands, or Hereditaments, shall have been given to the said Company, to remedy the same, and to make, complete, continue, and keep in repair such Drains, Troughs, or Watering Places in each and every such Inclosure, and to and at all such Premises as aforesaid as may be necessary for supplying the same as aforesaid with a sufficient Quantity of Water as heretofore used, and to find and provide such sufficient Supply accordingly.

If Company do not make Troughs, &c. Land Owners may at Company's Expence.

LXXVI. 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 Drains, Troughs, or Watering Places, or any of them, in any Close or Inclosure through which the Water from the said Springs and Sources shall be taken for supplying the Cattle and Stock therein with Water, or to or at the Premises where the Water has been heretofore used as aforesaid, or after the same shall be made and completed shall neglect or refuse to continue and maintain in repair such Drains, Troughs, or Watering Places, or shall neglect or refuse to find and provide a sufficient Supply of Water as aforesaid, 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 and Premises, who shall find themselves aggrieved by any such Drains, Troughs, or Watering Places not being kept in good Repair and Condition, or by any insufficient Supply of Water to the said Company, then and in every such Case the said Company shall from Time to Time forfeit and pay any Sum not exceeding Ten Pounds to every such Owner or Occupier so finding himself or herself from Time to Time aggrieved, such Forfeitures to be ascertained, settled, and imposed

from Time to Time by any Two Justices of the Peace acting for the County Palatine of *Lancaster*, and to be levied and recovered by Warrant under the Hands and Seals of such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods and Chattels of the said Company; or it shall and may be lawful for every or any of the Owners or Occupiers of such Closes or Inclosures and Premises to make or to repair all or any of such Drains, Troughs, or Watering Places, or Works, which may be necessary for providing and continuing such Supply as aforesaid, and to continue and keep the same in repair from Time to Time as Occasion shall require, so that in making or repairing such Drains, Troughs, or Watering Places the said Aqueducts 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, Borough, or Place in which the Close or Inclosure and Premises shall be situate, shall be repaid to the respective Owners or Occupiers of such Closes or Inclosures and Premises who shall have so made or repaired such Drains, Troughs, or Watering Places as aforesaid, by the said Company; and upon Refusal or Neglect of the said Company to pay to the said Owners or Occupiers the said Costs and Charges as aforesaid for the Space of Five Days after Demand thereof made upon the said Company, such Costs and Charges shall and 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: Provided always, that the Provisions lastly herein-before contained shall not be construed to prevent any such Owner or Occupier as aforesaid from proceeding from Time to Time for the Recovery of Compensation or Satisfaction for any such Injury under the Provisions herein-before contained in that respect, if such Owner or Occupier shall prefer having recourse to such Remedy.

Penalty on fouling the Water.

LXXVII. And be it further enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Waterway, Feeder, or Pond, being the Property of the said Company, made, maintained, or supported by virtue of this Act, or wash any Dog or other Animal therein, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Matter or Thing, or wash or cleanse any Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animals, or any noisome or offensive Thing, into, or cause or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any such Reservoir, Aqueduct, Waterway, Feeder, or Pool, or into any of the Brooks, Streams, or Springs communicating therewith, or cause any other Annoyance, Nuisance, or Injury to be done to the Water contained in any such Reservoirs, Aqueducts, Waterway, Brook, Stream, Spring, Feeder, or Pond, whereby or by means whereof the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in each and every such Case every such Person so offending

shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons opening the Locks, or doing other Damage to the Waterworks.

LXXVIII. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish into any Part of the said Waterworks, Reservoirs, Aqueducts, Trenches, Watercourses, or Feeders to be made by virtue of this Act, or shall open or cause to be opened any Lock, Cock, Gate, Paddle, Valve, or Clough belonging to the said Waterworks, or shall (without the Licence or Consent of the said Directors first had and obtained) snare, angle, take, or destroy any Fish out of the said Reservoirs, Aqueducts, Watercourses, or Feeders, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Waterworks, or shall leave any of the said Valves, Cloughs, Locks, Pipes, or Cocks open or running belonging to the same, or shall cause to be drawn any Paddle, Valve, or Clough or other Thing so as to mis-spend or waste the Water thereof, its Courses or Feeders, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall take or cause to be taken (except in Cases of Fire) any Water from or out of any Pipe which shall be laid by virtue of this Act (without the Consent of the said Company first had and obtained), every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence to the said Company any Sum not exceeding Ten Pounds.

Penalty on destroying Works.

LXXIX. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously break, throw down, damage, or destroy any Banks, Fences, or other Works to be erected, made, or maintained by virtue of this Act, then and in every such Case every such Person shall be adjudged guilty of Felony, and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to award such Sentence as the Law directs in Cases of Simple Larceny.

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

LXXX. And be it further enacted, That all and every the Pipes and other Conduits laid or to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Highway, Street, or other Passage or Place within the Limits of this Act, shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Highways, Streets, or other Passages or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Case the said Gas Pipes shall be laid over the said Water Pipes, Soughs, or Watercourses at the greatest practicable Distance therefrom, and shall form a Right Angle therewith; and the Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses 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 the said Water Pipes, Soughs,

Soughs, or Watercourses than Four Feet at least; and such Gas Pipes so crossing the said Water Pipes shall for the whole Length thereof be sufficiently bedded in with good sound Clay, of a proper Subsistence, and well worked and rammed into the Trenches all round the said Gas Pipes; and in laying down the said Gas Pipes the Contractor or other Persons to whom the same shall belong 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 form the Jointing with the other Pipes which may be added thereto with proper and sufficient Materials, and also, wherever practicable, lay and well and sufficiently bed each and every of the Joints of the said Main Gas Pipes, and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the said Gas Pipes, with such Clay as aforesaid, all round the said several and respective Joints, Inlets, Apertures, or Openings, and for Twelve Inches in Length each Way from the Centre of each and every of the Caps or Joints in the Main Pipes, and of the Inlets, Apertures, Screws, or Joints connecting the Service Pipes with the Main Pipes, and all other Joints, Inlets, Apertures, or Openings therein, and for Six Inches at least from the Centre of each of the Joints in the Service Pipes, so as to make and keep all and every such Pipes, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in every respect prevent the Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Offence, to be paid to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction takes place shall have sustained any Annoyance or Injury or Damage by any such Act so done or committed.

For preventing the Escape of Gas.

LXXXI. 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 any such Body Politic or Corporate, or other Persons as aforesaid, such Body Politic or Corporate or other Persons shall, at their own Expence, immediately after Notice of any such Escape of Gas given to them or him by Parol or in Writing from any Person whomsoever, stop and prevent such Gas from further escaping; and in case the said Contractors or Persons shall not within Twenty-four Hours next after such Notice given stop and prevent any further Escape, and thereby remove the Cause of Complaint, then and in every such Case the said Body Politic or Corporate, or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each 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 or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness, by Information to be laid before some Justice of the Peace for the County, Borough, or Place within which such Offence shall be committed, and shall

and

and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Contractors or Persons as aforesaid.

Penalty for conveying Washings of Gas into any River, Stream, &c.

LXXXII. And be it further enacted, That if any Body Politic or Corporate, or any Contractor or Contractors, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances or Things whatsoever, which shall arise or be produced in or by the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or other Thing to the Water contained in such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in each and every such Case such Body Politic or Corporate, Contractor or Contractors, or other Person or Persons, 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, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of such Penalty 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 that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased or 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 drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, Canal or Reservoir, Aqueduct, 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 Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, and they or he shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being 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

being done as aforesaid, then and in every such Case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons so offending, 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 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 as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied, and shall be paid to the Informer, 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 such Act so done or committed.

To prevent Escape of Gas and Contamination of Water.

LXXXIII. And be it further enacted, That whenever the Water of the said Company shall be contaminated or affected by the Gas of any Body Politic or Corporate, Contractor or Contractors, or Person or Persons, making, furnishing, or supplying Gas as aforesaid, such Body Politic or Corporate, or Contractor or Contractors, or Person or Persons, so offending, 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 shall be applied to and for the Use and Benefit of the said Company and Individuals affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, that then and in every such Case the Body Politic or Corporate, or Contractor or Contractors, or any Person or Persons, making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk for the Time being of the said Company, to be left at the usual Office or Place of transacting Business of the Body Politic or Corporate, Contractor or Contractors, or Person or Persons, so offending, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from the Works, Mains, or Pipes, or contaminating or affecting such Water; and in case such Body Politic or Corporate, Contractor or Contractors, or Person or Persons, shall not, within Twenty-four Hours after each and every such Notice so left as last 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, that then and in every such Case the said Body Politic or Corporate, Contractor or Contractors, or Person or Persons, making, furnishing, or supplying such Gas, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being of the said Company so affected, over and above the before-mentioned Penalty not exceeding Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath or Affirmation of One credible Witness, by and in the Name of the

Clerk of the said Company, before any Justice of the Peace for the County Palatine of *Lancaster* or Borough of *Preston*, with Costs, to be assessed by such Justice, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer for the Time being of the said Company.

For ascertaining if the Water is contaminated.

LXXXIV. And whereas it may become a Matter of Question upon such Complaint as aforesaid whether such Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the said Company, or for the Party or Parties using such Water, to dig to and about and to search and examine the Mains, Pipes, Conduits, and Apparatus of the Body or Bodies Politic or Corporate or other Persons supplying Gas as aforesaid, for the Purpose of ascertaining whether such Contamination be occasioned by the Gas of the said Body or Bodies Politic or Corporate or other Persons as aforesaid; and if it shall appear that such Contamination is occasioned by the Gas of the said Body or Bodies Politic or Corporate or other Persons as aforesaid, the Costs and Expences of such Examination, and of the Repair of the Pavement which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate or other Persons as aforesaid (as the Case may be); which Costs and Expences shall be ascertained and determined (if necessary) by such Justice as aforesaid, 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 proceeded from any Gas of the said Body or Bodies Politic or Corporate or other Persons as aforesaid, then and in such Case the said Company, or the Party or Parties making Complaint of such Contamination as aforesaid, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Body or Bodies Politic or Corporate or other Persons producing or supplying Gas as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Works of the said Body or Bodies Politic or Corporate or other Persons as aforesaid, in and by such Examination, and shall also make good any Loss, Injury, or Damage which may have been occasioned in or by such Examination to the Pavements of the Streets and other Places so broken up or disturbed as aforesaid; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice as aforesaid.

Persons supplying Gas liable to be indicted for a Nuisance.

LXXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, Contractor or Contractors, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, in respect of any Works, or the Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing such Light as aforesaid, as a public

public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, Contractor or Contractors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Requiring Company to reinstate Pavements, &c. after the Pipes have been laid down.

LXXXVI. And be it further enacted, That whenever and so often as the said Company or any other Person or Persons shall have broken up or removed, pursuant to the Provisions of this Act, the Stones, Ground, Soil, or Pavement in or of any Road, Highway, Dock, Quay, Street, Square, Court, Yard, Lane, Passage, or Place, or any Part thereof, within the said Borough of *Preston* and Township of *Fishwick*, the said Company, and such other Person and Persons, shall and are hereby required immediately to reinstate and make good such Ground, Soil, or Pavement in as good sound State and Condition, and with the like Materials, as the same was or were in at the Time of being so broken up; and the said Company or such other Person or Persons shall cause all surplus Earth, Filth, and Rubbish occasioned by opening the Ground to be removed and carried away at their own Costs and Charges, with as little Delay as possible, and so that in no such Case such Ground shall remain open unrepaired or the Rubbish unremoved for a longer Space than Twenty-four Hours from the Time when such Works commence, unless the Commissioners, Trustees, or Surveyors (as the Case may be) of the said Streets or Highways shall grant further Time for doing the same; and that during the Time the Works of the said Company in so opening the Pavements shall be carried on there shall at all Times be left a free Passage for Carriages, of at least Ten Feet wide, unless the Carriageway shall be less than Twenty Feet wide, in which Case the Opening so made shall be filled up and the Streets repaved in the Space of Forty-eight Hours after the Commencement of the Works thereon; and that during the Time of forming the Trenches, laying or taking up the Pipes, or doing any thing else by which Obstructions may be occasioned in the Streets, Lanes, Passages, or other Places, the said Company or such other Person or Persons shall protect such Opening and Obstruction with a sufficient Fence, and provide proper Watchmen to guard the same, and place a Lamp or Lamps at each Extremity, and at other Parts of the Opening or Obstruction where it may be necessary, to be kept burning from Sunsetting to Sunrising, and shall otherwise properly secure and guard the said Works, to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and the said Company or such other Person or Persons shall from Time to Time, when required by the said Commissioners of Police or Trustees aforesaid, at any and every Period during Three Calendar Months from the Time of making or commencing any such Opening, on receiving from Time to Time a written Notice from the said Commissioners or Trustees, or their respective Clerks or Surveyors, (as the Case may be,) relay, and again take up and relay, such Carriageway or Foot Pavement, until the said Carriageways and Foot

Pavements

Pavements shall be made complete to the Satisfaction of the said Commissioners or Trustees respectively, or their respective Surveyors (as the Case may be): Provided always, that if the said Company, or any of their Agents or Workmen, or such other Person or Persons, shall neglect to reinstate such Ground, Soil, or Pavement which may be so broken up, with the like Materials, and in as good sound State and Condition as aforesaid, or to remove the Rubbish occasioned as aforesaid within the Period of Twenty-four Hours as aforesaid (unless the said Commissioners or Trustees respectively shall grant further Time for doing the same), or shall omit to have a free Passage for Carriages as before mentioned, or to protect such Openings with a Fence, and provide Watchmen and Lamps as aforesaid, then and in each and every such Case of Neglect or Omission the said Company or such other Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds, over and besides the Expence of putting such Grounds in repair as aforesaid, to be recovered from the said Company or such other Person or Persons in like Manner as other Penalties and Forfeitures are by this Act to be recovered, and to be paid over to the Treasurer for the Time being of such Commissioners of Police or Trustees or Surveyors, (as the Case may be,) to be applied for the Purpose of their respective Commission or Trust; and in case the said Company or such other Person or Persons shall make default in reinstating such Ground, Soil, or Pavement as aforesaid within the Period aforesaid, it shall be lawful for the said Commissioners or Trustees to reinstate and make good such Ground, Soil, or Pavement, and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or their Treasurer, or such other Person or Persons, to the said Commissioners or Trustees, or their respective Treasurers; and in default of Payment thereof within Ten Days next after Demand thereof in Writing shall have been made by the Clerk of the said Commissioners, Trustees, or Surveyors, (as the Case may be,) Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the County, Borough, or Place where such Neglect shall occur, all such Sum or Sums of Money so paid by them shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or such other Person or Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, Borough, or Place where the Offence shall be committed as aforesaid, and which Warrant such Justice or Justices respectively is and are hereby empowered to grant; and such Sum or Sums of Money shall be paid to the said Commissioners or Trustees, or their respective Treasurer or their respective Surveyors, as the Case may be.

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

LXXXVII. 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 Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed, then and in such Case the Amount of such Compensation or Satisfaction and Costs shall and may be levied and recovered by Action at Law, or by Distress and Sale of the Goods and Chattels

of the Party or Person ordered to pay the same Sum or Sums of Money, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace so ordering and directing the same to be paid; which Warrant any 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 Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained.

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

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

Justices may proceed by Summons in the Recovery of Penalties.

LXXXIX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

How Penalties, Forfeitures, and Fines are to be recovered and applied.

XC. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed or authorized to be imposed, (the Manner of levying, recovering, and applying of which is not herein otherwise particularly directed,) shall, upon Proof of the Offence or Offences respectively before any Justice or Justices of the Peace for the County, Borough, or Place where such Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath or Affirmation of One or more credible Witness or Witnesses, (which Oath and Affirmation such Justice or

Justices is and are hereby empowered and required to administer,) together with all such Costs, Charges, and Expences as such Justice or Justices respectively shall adjudge and determine to be fair, reasonable, and proper to be allowed, (and which he and they is and are hereby authorized and empowered to ascertain and determine accordingly,) shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant; and the Overplus, after such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and the Charges of such Distress and Sale, are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed by this Act), shall be paid to some one of the Overseers of the Poor or some other Officer (as such Justice or Justices shall direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County; and if sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required to authorize the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices 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 or Justices is or are 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 thereupon, and such Penalties, Forfeitures, and Fines shall not be paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for the said Justice or Justices of the Peace as aforesaid, or any other Justice or Justices of the Peace for the County, Borough, or Place where the Offence shall have been committed, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for such County, Borough, or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XCI. And

Compelling Witnesses to attend.

XCI. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall, on being paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or, in case of a Quaker, on solemn Affirmation, and to give Evidence before such Justice 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.

Form of Conviction.

XCII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or against any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say,)

‘ } BE it remembered, That on this Day of
‘ to wit. } in the Year of the Reign of
‘ *A. B.* is convicted before of His Majesty's Justices of the
‘ Peace for the of having [*as the Conviction shall be*];
‘ and I [*or* we] the said do adjudge him [her *or* them] to
‘ forfeit and pay for the same the Sum of .
‘ Given under my Hand and Seal [*or* our Hands and Seals], the
‘ Day and Year aforesaid.’

Proceedings not to be quashed for Want of Form.

XCIII. And be it further enacted, That no Order, Verdict, Judgment, Conviction, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated 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 thereof notwithstanding.

Distress not to be deemed unlawful for Want of Form, &c.

XCIV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, or the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

XCV. Pro-

Plaintiff not to recover if sufficient Amends are offered.

XCV. Provided always, 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, or left at his, her, or their last or usual Place of Abode Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of Action, nor shall the Plaintiff or Plaintiffs recover in 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 have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, 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.

XCVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuance of Damage then within Six Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Allowing an Appeal to the Quarter Sessions.

XCVII. And be it further enacted, That if any Person or Persons shall think 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 the Directors of the same Company, or by any Order, Judgment, or Determination of any Justice or Justices

Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, and not herein-before made binding and conclusive, then and in every such Case such Person or Persons may within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the County, Borough, or Place in which the Cause of Appeal shall arise, first giving Ten Days Notice of such Appeal to the Person or Persons appealed against, and of the Nature and Matter thereof, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, Borough, or Place, 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 shall in a summary Way either hear and determine the said Appeal at such General or Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such County, Borough, or Place; and the said Justices may make such Determination in such Appeal, and award such Costs to either of the Parties, as they shall judge proper; and the said Justices may if they see Cause mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, Judgment, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

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

XCVIII. 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 Proceeding, or Proceedings in Equity, the Service of a Copy upon the Clerk of the said Company, or delivered to any Inmate at the Office of such Clerk, or at his last or usual Place of Abode, or delivered to any Inmate at the Office of the said Company, or Service upon any Director, or delivered to any Inmate at his last or usual Place of Abode, or Service upon any known Agent or other Officer employed by the said Company, or delivered to any Inmate 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 how to be borne.

XCIX. 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.

Purposes of this Act to be completed in Five Years.

C. Provided always, and be it further enacted, That in case the Reservoirs, Aqueducts, or other Works intended to be made under the Authority of this Act shall not have been completed so as to answer the Objects of this Act within the Term of Five Years from and after the passing thereof, all the Powers and Authorities for making the same given by this Act shall thenceforth cease and determine, save only as to so much as shall have been completed within the said Term of Five Years.

CI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallages, or lawful Customs, belonging, due, or in anywise appertaining to the Mayor, Bailiffs, and Burgesses of the said Borough of *Preston*, either as Lords of the Manor or reputed Manor of *Preston* aforesaid, or as Lords or Owners of the said Borough, or of the Fairs and Markets within the said Borough, or of the Mayor of the said Borough as Clerk of the Markets therein, or in any other lawful Capacity whatsoever, or of the Commissioners of Police of the said Borough, (save and exeept so far as regards the Power given to the said Company by this Act to open the Streets, Lanes, and Passges within the said Borough for the Purposes of this Act,) but all and every such Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallages, and Customs may be exercised, demanded, exacted, received, and enjoyed in as full and ample a Manner, to all Intents and Purposes, as the same were enjoyed before the passing of this Act. Rights of the Corporation and Commissioners of Police reserved.

CII. 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. Public Act.

SCHE-

SCHEDULE (A.) referred to by the Act.

Owners.	Occupiers.	Description of Land.	Township.
Henry Petre Esquire	Thomas Whittle -	Garden - -	Ribbleton.
Ellen Brewer - -	Edmund Read -	Garden - -	Fulwood.
Ellen Cross - -	Christopher Alston -	Orchard - -	Grimsargh.
John Dixon - -	William Cookson -	Garden - -	Ditto.
Oliver Hothersall -	John Carter - -	Orchard - -	Ditto.
James Blanchard -	Alice Seed - -	Garden - -	Alston.
James Blanchard -	Alice Seed - -	Garden - -	Ditto.
Richard Billington -	Richard Billington -	Garden - -	Ditto.
Roger Fleming -	John Booth - -	Garden - -	Ditto.
Roger Fleming -	Benjamin Whittam -	Garden - -	Ditto.
Roger Fleming -	Seth Baldwin - -	Garden - -	Ditto.
Thomas Dean - -	Roger Fleming - -	Garden - -	Ditto.

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