ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 25.

An Act for better ſupplying the Inhabitants of the Town of *Rochdale*, and the Neighbourhood thereof, with Water. [28th *April* 1809.]

WHEREAS the Inhabitants of the Market Town of *Rochdale*, in the County Palatine of *Lancaſter*, and Places adjacent or near thereto, have not a ſufficient Supply of good and wholeſome Water: And whereas the ſaid Town and Neighbourhood is become very populous, and the Number of Houſes and Buildings greatly increaſed, and the Inhabitants thereof, as they are at preſent ſupplied, are liable to great Danger and the moſt calamitous Conſequences from Accidents by Fire for want of a better Supply of Water; and the ſame might be obtained from the Water of a certain Spring, called *The Noon-Sun Spring* or *Noon-Sun Well*, and certain other other Springs in the Neighbourhood, by conducting the Water of ſuch Spring or Springs into proper Reſervoirs, and from thence to the ſaid Town: And whereas the Works which will be neceſſary to be made for better ſupplying the ſaid Town and Houſes adjoining with Water from the aforeſaid Spring called *The Noon-Sun Spring* or *Noon-Sun Well*, and ſuch other Springs as may be contracted for by virtue of the Powers hereinafter mentioned, will be attended with conſiderable Expence, and the Perſons herein-after named are willing and deſirous, at their own Expence, to undertake the ſaid Works, and to make and lay, repair and continue ſuch Wells, Reſervoirs, Cuts, Drains, Aqueducts, Pipes, and Conveniences, as

may be requiſite and proper for the Purpoſes aforeſaid; but the ſame cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the 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 *Robert Holt*, *Charles Hopwood*, *Edward Elſe*, *John Jones*, *Thomas Booth*, *Joſeph Brierly*, *Richard Gibſon*, *Samuel Clegg*, *Thomas Kerſhaw*, *William Mollineux*, *Thomas Proctor*, *John Butterworth*, *Richard Shuttleworth*, *James Wrigley*, *John Bridge*, *Clement Hall*, *John Aſhworth*, *Richard Stott*, *George Williamſon*, *John Smith*, *James Hartley*, *John Law*, *George Hopwood*, *Edmund Wrigley* the younger, *Thomas Pilling*, *John Butterworth*, *Charles Stott*, *George Hall*, *Henry Ecroyd*, *Abraham Barlow*, *James Kerſhaw Barlow*, *George Ormerod*, *Edward Thompſon*, *Nicholas Whitworth*, *William Whitworth*, *Robert Aſhworth*, *James Shepherd*, *James Holt*, *James Nuttall*, *James Hamilton*, *John Aſhworth*, *John Lord*, *Elizabeth Aſhworth*, *Benjamin Barlow*, *George Law*, *John Shaw*, *John Thompſon*, *John Binns*, *Abel Crommack*, *Alice Clough*, *Edmund Wrigley*, *James Hoyle*, *James Clegg*, *James Holt*, *Samuel Perkin*, *Ralph Taylor*, *Samuel Taylor*, *John Lyon Taylor*, *Abraham Stott*, *Thomas Baſſett*, *Edmund Dawſon*, *Robert Lord*, *John Grendrod*, *William Seed*, *Ann Birks*, *Joſeph Butterworth*, *Hugh Oldham*, *Launcelot Bracken*, *John Crook*, *William Croſsley*, *James Dunlop*, *James Brearley*, *James Hardman*, *Abraham Lord*, *Thomas Hippen Vavaſour*, *John Tomlinſon*, and *Grace Strange*, together with ſuch other Perſon or Perſons as ſhall at any Time hereafter be poſſeſſed of One or more Share or Shares in the ſaid Undertaking, and the Succeſſors, Executors, Adminiſtrators and Aſſigns of the ſaid ſeveral Perſons, and ſuch other Perſons as laſt mentioned, who ſhall become poſſeſſed of their reſpective Share or Shares or any of them, ſhall, as and when they become ſo poſſeſſed, be and they are hereby united into a Company for making, completing, maintaining and continuing the Works and Conveniences hereby athorized 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 *Rochdale* Waterworks," and by that Name ſhall have perpetual Succeſſion and a Common Seal, and ſhall and may ſue and be ſued; and ſhall alſo have full Power to purchaſe and become ſeiſed and poſſeſſed of Lands and Tenements, 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.

Powers to make Ciſterns and other Works.

II. And be it further enacted, That it ſhall be lawful for the ſaid Company and their Succeſſors, by themſelves, their Managers, Servants, Workmen and Aſſiſtants, from Time to Time to reſort unto, enter, view, examine, open, and cleanſe, the aforeſaid Spring or Well called *Noon-Sun Spring* or *Noon-Sun Well*, and ſuch other Spring or Springs or Streams as herein-aftermentioned, and to take, uſe and enjoy the Waters thereof and ariſing in ſuch Springs or flowing therefrom, for the Purpoſes of this Act; and for the more effectually enabling the ſaid Company to have, uſe, enjoy and apply the Water of ſuch Springs for the Purpoſe of this Act, it ſhall be lawful for the ſaid Company and their Succeſſors, by themſelves, their Managers, Servants, Workmen and Aſſiſtants, to make, place and complete, open, cleanſe, and maintain, pull down, take up, renew, replace, and alter in Situation, or otherwiſe improve, continue, repair and uſe ſuch

Cisterns, Wells and Reservoirs of Water, at or near the Places where the aforesaid Spring or Springs rise, or in or near the Line of the Aqueduct thereof or the said Town; and also such Pipes, Drains, Aqueducts and Conduits underground, and Works, and other Conveniences aboveground for conveying the Water of the said Spring or Springs or Streams, or a sufficient Part thereof in and through the same, and the Streets, Highways and Avenues thereof or leading thereto, and the Houses near the said Town, and for lodging sufficient Quantities of Water for the Supply hereinbefore mentioned, as shall be deemed necessary by the said Company; and to supply such Cisterns, Wells and Reservoirs, Pipes, Drains, Conduits and Aqueducts and other Works whilst laying and making, altering or repairing, and when laid and completed, altered, or repaired, with a sufficient Quantity of Water from the aforesaid Springs or Streams or any of them, for the Purposes aforesaid; and from Time to Time to set and place such Posts, Stones, or other permanent Marks as the said Company may deem necessary, for ascertaining and finding out the Line and Situation of the said Pipes, Drains, Conduits and Aqueducts underground, and for better effectuating the Purposes aforesaid, fron Time to Time, and as often as may be necessary, to enter into and upon the Lands or Grounds where the aforesaid Spring or Springs or Streams rise or flow, or near thereto, and the Lands or Grounds of any Person or Persons, and the Highways, Streets, Avenues and Places lying between the said Spring or Springs or Streams and the said Town, and in the said Town or near thereto to take Levels, and for other Purposes of effecting the said Works; and to ascertain and mark out the Line of such Pipes, Aqueducts, Conduits and Drains, and the Situation of the said Cisterns, Wells, Reservoirs, and other Works and Conveniences; and to bore, dig, cut, trench, bank, place, remove, take and carry away and use Earth, Clay, Stones, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters or Things in the laying and placing, making, altering, amending, continuing and repairing such Wells, Cisterns, and Reservoirs, Pipes, Drains, Conduits, Aqueducts and other Works and Conveniences as aforesaid, or which may hinder, prevent, or obstruct the same; and from Time to Time to make, place, repair, construct, alter, amend, continue and use such other Pipes, and Drains, and such Cocks, Valves, Branches, Plugs, Pumps, Machines and other Implements, Utensils and Devices, in and about the aforesaid Works as the said Company shall think proper; and from Time to Time to take and use all such other Acts, Ways and Means for the Purpose of collecting, conveying and bringing and lodging, affording and distributing a sufficient Quantity of Fresh Water unto and into and near to the said Town of *Rochdale*, and the Houses and Buildings now or hereafter to be made in or near thereto, and for the Use of the Inhabitants of the said Town, Houses and Buildings, from the aforesaid Spring or Springs or Streams; and for completing and using, amending, improving, preserving, altering in Situation, or otherwise renewing, continuing, and repairing the Works and Conveniences authorized by this Act, as may be deemed necessary and proper by the said Company, and to resort, pass, and repass to and from the aforesaid Works, and carry and convey Materials and other Things to and from the same from Time to Time, as often as shall be necessary for the Purposes aforesaid, they the said Company of Proprietors, their Managers, Agents, Officers, Workmen and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and for that Purpose making, and

Doing as little Damage as may be;

and leaving the Wells open where the Springs arise, so that the Water may be there enjoyed as usual, etc.

and from Time to Time cleansing, repairing and keeping in good Repair such Wells, Cisterns and Reservoirs, at those respective Places or near thereto as may be necessary; and the said Company laying and placing the aforesaid underground Pipes, Conduits, and Drains at least One Foot below the Surface, and covering the same with Soil and otherwise, so as to restore the Surface of the Land or Ground, where the said Pipes, Drains, Conduits, and Aqueducts shall pass, to its former Situation and Appearance, or as near thereto as may be and as soon as may be; and the said Company of Proprietors making Satisfaction in the Manner herein after mentioned, to the Owners, Proprietors, and all other Persons interested in the Lands, Tenements and Hereditaments respectively, which shall be used for the Purposes of this Act, or which shall be injured or damaged by means of the Exercise of any of the Powers hereby granted, or to be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Managers, Officers, Agents, Servants, Workmen and Assistants, and all other Persons whomsoever, for what they or any of them shall do or cause to be done under or by virtue of the Powers hereby granted.

and making Satisfaction to Owners and Proprietors of Lands, &c.

Powers to agree with Owners of Lands for the Purchase of Land.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, at any Time hereafter to contract and agree with the Proprietors and Occupiers of any Lands or Grounds wherein any Springs or Streams now are or may hereafter be found, discovered or flow, for the Purchase of such Lands or Ground as may enable the said Company of Proprietors to convey the Water of such Springs or Streams to any Reservoirs or Drains, or other Works of the said Company, or for the Purchase of any Springs or Streams, or the Use of any Springs or Streams, or any Interest therein, or Claim or Demand of any Person or Persons, Bodies Politic or Corporate thereto, or to the exclusive or other Use of any such Springs or Streams, or of any Rights, Interests or Easements necessary to enable the said Company of Proprietors to have and enjoy the Use and Benefit of any such Springs and Streams for the Purpose of increasing the Supply of Water for the Benefit of the said Town and Neighbourhood, and Improvement of the said Waterworks, for the Purpose of this Act: Provided always, that nothing herein or in this Act contained, shall be construed to extend to empower or authorize the said Company to take or use any such Land or Ground for the Purpose of procuring the Water from any such additional Springs or Streams, without the Consent of the Owners and Occupiers thereof in Writing for that Purpose had and obtained.

Water to be used in extinguishing Fires.

IV. Provided always, and be it further enacted, That it shall be lawful for any Person or Persons whomsoever, at all Times to use and employ the Water which shall so as aforesaid be contained in any Pipes or Aqueducts of the said Proprietors, in extinguishing of any Fire or Fires which may happen to any House or Building within the said Town of *Rochdale*, without making any Satisfaction or Compensation for the same to the said Company of Proprietors, or any other Person or Persons whomsoever; and that proper Fireplugs, with painted Directions or Marks on the Houses and Buildings in the said Town, shall be provided at the Expences of the said Company of Proprietors, at proper Distances and in convenient Parts of the said Town, for the securing a speedy and sufficient Supply of Water for the extinguishing of Fires in the said Town.

V. Provided

Land Owners, &c. supplied with Water as accustomed.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to deprive or hinder the Land Owners or Tenants of the Lands or Grounds through which the Water of the said *Noon-Sun Spring* or *Noon-Sun Well* has been used to flow, from using the Water of the said Spring or Well, in such Manner and to such Purposes as they have by Law been heretofore entitled and accustomed to do; but that proper Pipes and Cocks shall be laid and placed for the Use of all Persons entitled to use the Water of the said Spring or Well, and from Time to Time repaired by the said Company of Proprietors, without requiring any Compensation for the Use thereof from such Persons as aforesaid.

General Meetings, &c.

VI. 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, General Meetings of the said Company of Proprietors shall from Time to Time be holden, and such Managers, a Treasurer, and Clerk, and such other Officers as shall be thought necessary by the said Company, shall be from Time to Time appointed by the said Company in such General Meeting assembled, with such Authority over the Concerns of the said Company, and subject to such Orders, Provisions, Regulations, and Directions for their Conduct and Removal, and Re-appointment of them or others in their Stead, as shall from Time to Time be made and entered into by the said Company so as aforesaid assembled; and the Treasurer, Clerk, and other Officers of the said Company (exclusive of Managers) shall be allowed such Salaries and Compensation for their Trouble and Expences, and the Treasurer and other Officers of the said Company who shall have the Care or Custody of Money belonging to the said Company, shall give, and the said Company shall take from them, such Security and Securities from Time to Time for the due Discharge and Execution of the Duties of such their respective Offices, and for the Money that may happen to come to or be in their Hands as such Officers, or belonging to the said Company, and such Officers shall enjoy their said Offices upon such Terms and Conditions as shall be ordered by the said Company so as aforesaid assembled; and the said Company of Proprietors so as aforesaid assembled shall have Power and Authority from Time to Time to make such Rules, Bye Laws, and Orders, for the good Government of the said Company and their Concerns, and the Conduct, Duty, Authority, Regulation, and Government of their Managers, and other Officers, Servants, Agents, and Workmen, in all Respects (and which Rules, Bye Laws, and Orders, shall accordingly be binding upon them) and for the Superintendance and Management of the said Undertaking, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Bye Laws, and Orders, not exceeding the Sum of Five Pounds for any One Offence; and from Time to Time to alter or repeal the said Bye Laws, Rules, Orders and Regulations, Fines and Forfeitures, as to the said Company so assembled shall seem meet; which said Rules, Bye Laws, and Orders being reduced into Writing, and entered in the Order Book of the said Company, and authenticated by the Common Seal thereof, and also printed, shall be binding upon and allowed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and such Bye Laws, Rules, Orders, and Regulations,

Powers of General Assemblies; may make Bye Laws.

Regulations, and every Alteration thereof, ſhall be ſubject to Appeal as herein-after mentioned.

For regulating the Meetings of General Aſſemblies.

VII. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors for putting this Act in Execution, ſhall be held at the Houſe of *Charles Hopwood*, known by the Sign of the *Blue Ball Inn* in *Rochdale* aforeſaid, on the Fourth *Tueſday* next after the paſſing of this Act, and the like General Aſſemblies ſhall be held on the Firſt *Tueſday* in the Month of *June* in every Year for the future, at the Hour of Six of the Clock in the Afternoon, at ſuch Place or Places as the next preceding General Aſſembly ſhall appoint, at which ſaid General Aſſemblies the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chuſe Eleven Perſons, who for the Time being ſhall be reſpectively Proprietors of Two or more Shares in the ſaid Waterworks, who ſhall be a Committee, with full Power and Authority to direct the Works and Workmen, make Contracts and Bargains touching the Undertaking, audit the Accounts, and to contract and agree from Time to Time with the Inhabitants for the Privilege of being ſupplied with Water from the ſaid Works, and to manage all other the Affairs of the ſaid Company of Proprietors, in ſuch Manner as herein directed, and with Power to meet and adjourn themſelves as they ſhall think proper for thoſe Purpoſes; and if at any Time it ſhall appear to Five or more Proprietors poſſeſſed of Two Shares each, that for the more effectually putting this Act into Execution, a Special General Aſſembly is neceſſary to be held, it ſhall be lawful for them to cauſe Notice in Writing to be given thereof, declaring in ſuch Notice the Place where and Time when ſuch Special Aſſembly is to be held, the ſame not being leſs than Ten Days after ſuch Notice given, and likewiſe ſpecifying in ſuch Notice the Reaſon for and Intention of ſuch Special Aſſembly, and the Proprietors are hereby authorized to meet purſuant to ſuch Notice, and to proceed in the Execution of this Act, or in any Thing relating to the Intereſts of the ſaid Company of Proprietors, with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the ſaid Proprietors or the major Part of them aſſembled at ſuch Special Aſſemblies, ſhall be as valid to all Intents and Purpoſes as if the ſame were done at General Aſſemblies held in Manner herein-before appointed.

No Member of the Committee to have more than One Vote except the Chairman.

VIII. Provided always, and be it further enacted, That no One Member of the ſaid Committees, though he may be a Proprietor of ſeveral Shares, ſhall have more than One Vote in the ſaid Committees except the Chairman, who ſhall be choſen by and out of the ſaid Committees, who in caſe of a Diviſion of equal Numbers ſhall have the caſting Vote, although he may have given One Vote before; and that the ſaid Committees ſhall from Time to Time make report of their Proceedings to, and be ſubject to the Examination and Controul of the General and Special Aſſemblies of the ſaid Company of Proprietors, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes, as ſhall from Time to Time be made by the ſaid Company at any ſuch General or Special Aſſemblies, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act; and no Perſon holding any Place, Office, or Employment under the ſaid Company, ſhall be capable of being choſen to ſerve upon any Committee during the Term of his Continuance in ſuch Office or Employment, and all the Powers and Authorities hereby veſted in and directed to be exerciſed by the ſaid Committee,

tee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five.

Calls for Subscription Money.

IX. And be it further enacted, That the said Company of Proprietors, or such Committee as aforesaid, shall have Power from Time to Time to make or cause to be made, such Call or Calls for Money upon the Subscribers to and Proprietors of the said Undertaking, their Executors or Administrators, to pay to the said Treasurer to the said Company for the Time being, all or any Part or Parts of the Money subscribed, and engaged to be paid by them respectively, for the Purpose of defraying the Expences of obtaining this Act, and of making Surveys, and taking other Measures preparatory or relating to the said Undertaking, and of carrying on the Concerns of the said Company as shall from Time to Time be found wanting and necessary for those Purposes, upon such Notice, and to be paid at such Times and Places, and in such Manner and Form, and under the Penalty of the Subscriber or Subscribers, Proprietor or Proprietors, neglecting to comply with such Call or Calls, forfeiting his, her, or their Share or Shares upon such Notice, and Omission in Payment, and in such Manner and Form, as shall from Time to Time be ordered by the said Company assembled at a General Meeting or such Committee as aforesaid; and such Share or Shares so forfeited, and all the Profits and Benefits thereof, shall be vested in the said Company of Proprietors, exclusive of the Person so forfeiting the same, in proportion to their Shares, or shall be sold for the Benefit of the said Proprietors in such Proportion as aforesaid, exclusive of such Person or Persons so forfeiting according as shall be ordered by the said Company in General Meeting assembled, or by such Committee as aforesaid; but no Advantage shall be taken of any Forfeiture of any Share or Shares until the same shall have been declared to be forfeited by the said Company at a General Meeting assembled; and the said Company of Proprietors assembled at such General Meetings shall have Power to adjourn themselves at such General Meetings, and order such future General Meetings of the said Proprietors to be holden from Time to Time to and at such Place or Places as shall at any such General Meeting be thought proper and convenient; and every Question, Order, Matter or Thing which shall be proposed, discussed, or considered by the said Company so assembled by virtue of this Act, shall be determined by the Majority of Votes of Proprietors then present, and of Votes given by Proxy of Proprietors absent, under the Authority in Writing of such absent Proprietors, under their Hands, appointing such Proxy or Proxies, being a Proprietor or Proprietors, and which Vote or Votes by Proxy or Proxies shall be effectual to the same Purport and Extent as if given by the Proprietors respectively and personally appointing such Proxy or Proxies, and every Proprietor being to 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 said Concern; and if such Votes shall be equal, the Chairman presiding at such Meeting shall have the casting Vote as such Chairman, although he shall have given his Vote or Votes as a Proprietor; and every Question, if required by any Five or more Persons having collectively Ten Votes, shall be determined by Ballot, to be entered upon and completed forthwith, in which Case the Chairman for the Time being shall as such in like Manner have a casting Vote.

X. And

Map and Book of Reference to remain with Clerk of Peace.

X. And whereas a Map or Plan describing the Line of the said intended Aqueduct and Conduit, 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 Persons shall at any seasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof, or such Part thereof as such Person or Persons shall require, such Copy or Copies to be made by the said Clerk of the Peace or his Deputy, on being paid the Sum of Five Shillings for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies; and that the said Company of Proprietors, their Successors and Assigns, shall not, in laying and making such Aqueduct and Conduit of the aforesaid Water, deviate more than One hundred Feet from the Line or Course so described, nor make any Wells, Cisterns, or Reservoirs in any other Spot or Spots, or in any other Lands, Grounds or Situations, than so described, without the Consent in Writing of the Owner or Owners of the Lands or Grounds in which they shall so deviate, or make such other Wells, Cisterns, or Reservoirs.

This Act not to affect the Property of certain Persons, &c.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to enable the said Company of Proprietors to enter into or take any Spring or Springs, Lands or Grounds belonging to *James Walmsley* of *Goose-lane* in the said Parish of *Rochdale*, Esquire, or of *John Fildes* of *Quarry-hill* in the same Parish, Esquire; nor any Spring or Springs, Lands or Grounds arising in or belonging to the Glebe of the Vicarage of *Rochdale* aforesaid (save and except a Spring or Springs in *Leyland's-brow* and the Water-works belonging thereto, purchased for the Use of the said Company, during the Term and Interest therein, and now to come and unexpired) without the Consent in Writing of the said *James Walmsley* and *John Fildes*, their Heirs and Assigns respectively, or of the Vicar for the Time being of the said Vicarage and Parish Church of *Rochdale* for that Purpose first had and obtained.

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

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

Waste Water to be turned off at or near the Spring Heads.

XIII. Provided also, and be it further enacted, That the said Company of Proprietors shall turn off and discharge, or cause and procure to be turned off and discharged, such spare or waste Part of the Water of the aforesaid Springs as shall not be wanted for the Supply of the Inhabitants

of the ſaid Town, and the Buildings and Houſes therein and near thereto, now built or hereafter to be built, with freſh and ſufficient Water as hereinbefore mentioned, or as much thereof as may conveniently be at the reſpective Spring Heads, or ſo near thereto as that ſuch Water ſo turned off and diſcharged may run and paſs in the ſame Courſe as hath been uſual, or as near thereto, and as ſoon after being ſo turned off as may be.

Houſes, Gardens, etc. not to be injured.

XIV. And be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company of Proprietors, or any Perſon or Perſons acting under or by their Authority to take, uſe, injure or damage, in the Exerciſe of any of the Powers herein-before contained, any Houſe, Bridge or other Building, which was erected or built before the paſſing of this Act, or any Land or Ground which at or before that Time was ſet apart and uſed as or for a private Yard, Park, Paddock, Garden, Pleaſure Ground, planted Walk or Avenue to a Houſe, without the Conſent of the Owner or Owners thereof for the Time being:

Perſons enabled to convey, &c.

XV. And be it further enacted, That after any Lands or Grounds ſhall be ſet out and aſcertained for making and placing the ſaid Reſervoirs, Wells, Ciſterns, Drains, Aqueducts, Conduits and other Works and Conveniencies, or any of them, it ſhall be lawful for all Bodies Politic and Corporate, Aggregate or Sole, 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, or other Perſon or Perſons; and for all Femes Covert and all other Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower or other Intereſt in any Lands or Grounds which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to treat and agree with the ſaid Company, or any of their Managers or Officers for the Time being, for ſuch Lands and Grounds, and the Liberties and Privileges wanted to be uſed and exerciſed in or belonging to any Lands or Grounds for the Purpoſes aforeſaid, and to receive Satisfaction and Compenſation for the ſame, and to contract for, leaſe, ſurrender, grant and convey the ſame unto the ſaid Company of Proprietors, and their Succeſſors and Aſſigns; but all Contracts, Agreements, Bargains and Sales of all ſuch Lands as aforeſaid, as ſhall be of the Tenure of Copyhold or Cuſtomaryhold, ſhall be executed and completed by Surrender or Surrenders in the uſual Way, and according to the Cuſtom of the Manor of which the ſame ſhall be holden, to the Uſe of One or Two Perſons, to be nominated and appointed by the ſaid Company of Proprietors, and his or their Heirs, as Truſtees for the ſaid Company for the Purpoſes aforeſaid, by, under, and ſubject to the Rents, Suits and Services thereby due and of Right accuſtomed according to the Cuſtom of ſuch Manor, ſo that the Lord or Lords of ſuch Manor may receive or ſuſtain no Prejudice or Loſs of Fines, Suits or Services, in conſequence of the Conveyance and Appropriation of Lands of the Tenure of Copyhold or Cuſtomaryhold for the Purpoſes aforeſaid; and it ſhall be competent to the Lord or Lords, Lady or Ladies of the Manor where any Road or Roads, or Waſte Lands, may be cut through, taken or uſed, or any Privileges wanted to be exerciſed therein for the Purpoſes aforeſaid, or any of them, or the Steward or Stewards for the Time being of the Courts of ſuch Manor, or his or their Deputy or Deputies,

puties; for and in the Name or Names of such Lord or Lords, Lady or Ladies, to make such Agreements, Contracts, Surrenders, Conveyances and Grants of such last-mentioned Lands and Grounds, or the Privileges required therein for the Purposes aforesaid, without any Commoner or Commoners, or other Person or Persons interested in such Roads or Waste Lands joining therein; and the Receipt and Receipts of such Lord or Lords, Lady or Ladies, or their or his Steward or Stewards, or his or their Deputy or Deputies as aforesaid, for the Purchase Money or Satisfaction to be made in respect thereof, shall be good and sufficient Discharges to the said Company of Proprietors.

Satisfaction to be made for Damages and for Purchase of Lands wanted.

XVI. And be it further enacted, That the said Company of Proprietors and their Successors shall and do make and pay or offer to the Owner and Occupiers of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, which shall be wanted to be purchased or acquired, and shall be ascertained by the said Company for the Purposes of this Act, or shall be in any Manner affected thereby, or to his, her, or their Guardians, Feoffees, Trustees, Husbands or Committees, a full and adequate Price for the Purchase of such Land which shall be wanted to be purchased, before they shall in anywise make use of the same, and also a full and adequate Satisfaction and Compensation for any Damages which may or shall then have been done to any other Lands, Grounds, Tenements or Hereditaments, in or about or in consequence of the Execution of the Powers granted by this Act or otherwise, by the said Company of Proprietors, or any Person or Persons whomsoever under their Authority, upon Request or Demand for that Purpose made to the Treasurer, or any of the Managers of the said Company; and such Owner or Owners, or other Persons, interested in the Lands, Tenements, or Hereditaments, which may be so as aforesaid wanted to be purchased and accquired by the said Company for the Purposes of this Act, or which may be injured or damaged as last herein-before mentioned, or his, her, or their Guardians, Feoffees, Trustees, Husbands or Committees, may accept and receive such Purchase Money and Price, Satisfaction and Compensation, either in gross Sums or by Annual Rents, as shall be agreed upon by and between them and the said Company of Proprietors; and in case the Parties

In case the Parties disagree, &c. Price and Damages, &c. to be ascertained by a Jury.

shall not agree concerning the Amount of such Price, Satisfaction, and Compensation as aforesaid, within the Space of Twenty Days next after Application shall have been made for that Purpose, by or on behalf of either of the Parties aforesaid to the other of them, or by reason of Absence or otherwise, such Person or Persons as aforesaid, cannot be applied to, or shall be prevented from treating, then and in every such Case it shall be competent to either or any of the Parties to give Notice in Writing to the other of such their, his, or her Intention to have such Price, Satisfaction, and Compensation, ascertained and fixed in the Manner hereinafter mentioned; and such Notice shall be considered as well served on the said Company by being delivered to or left at the usual Place of Abode of the Treasurer or Clerk to the said Company, and on the other Party by being delivered to him, or her, or left at his or her last or usual Place of Abode, or of the Tenant or Occupier of the Lands, Grounds, Tenements, or Hereditaments, respecting which such Dispute or Question shall arise; and in case no Agreement shall be concluded between the Parties within Ten Days after such Notice, then and in such Case any Two or more of

His Majeſty's Juſtices of the Peace in and for the ſaid County of *Lancaſter*, reſiding near to the Place in queſtion, ſhall upon the Application of the Party having ſo given the ſaid Notice, and upon Proof thereof, iſſue their Warrant or Precept under their Hands and Seals to the Sheriff of the ſaid County, requiring him to ſummon, return, and impannel, and he ſhall accordingly ſummon, return, and impannel, Twenty-four indifferent Men of the ſaid County, at ſuch Time and Place as ſhall be required in ſuch Precept or Warrant; to enable the ſaid Juſtices to make and ſwear, and they ſhall make and ſwear, a Jury of Twelve indifferent Men of the ſaid County between the Parties, out of ſuch Twenty-four, if a ſufficient Number appear and are ſworn; and if not, then the ſaid Sheriff or his Deputy ſhall ſummon and return a ſufficient Number of Bye-Standers or Perſons that can ſpeedily be produced for that Service, who ſhall be ſworn upon the ſaid Jury until the Number of Twelve be completed to make a Jury between the Parties; and all Parties may have their lawful Challenges to ſuch Jurymen when they come to be ſworn; and any One of ſuch Juſtices is empowered and required, upon Application by either of the Parties, by Warrant under his Hand and Seal, to call before ſuch Juſtices and Jury as aforeſaid, all and every Perſon and Perſons who ſhall be thought neceſſary to be examined touching the Premiſes, and to examine ſuch Perſon or Perſons in the Preſence of ſuch Jurymen, and ſuch Juſtice is hereby authorized and required to ſwear ſuch Jurymen well and truly to try the Matter in diſpute between the Parties, and give a true Verdict therein, and alſo ſuch Perſons as attend to give Evidence, to give the ſame truly, or being *Quakers*, take their Affirmation ſo to do; and the ſaid Juſtices ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, or on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or who ſhall refuſe to be ſworn on ſuch Jury, or being ſo ſworn, ſhall refuſe to give, or ſhall not give their Verdict, or ſhall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes ſhall refuſe or wilfully neglect to appear, or ſhall refuſe to be ſworn and give Evidence; and from Time to Time to recover, levy, and apply ſuch Fine or Fines in the ſame Manner as any other Forfeitures or Penalties are by this Act directed to be recovered, levied, and applied, ſo that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any one Perſon for one Offence; and the ſaid Juſtices may, if they think fit, order and authorize the ſaid Jurymen, or any Six or more of them, to view the Place or Places, Matter or Matters in queſtion, and the ſaid Jury by their Verdict, upon their ſaid Oaths, ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money, or Annual Rent then in queſtion, and to be paid for the Purchaſe or Acquiſition of any Lands, Grounds, Tenements or Hereditaments, which ſhall have been ſet out and aſcertained for Conduits, Reſervoirs, or other Works and Conveniences hereby authorized to be made, and alſo the Sum or Sums of Money, or Annual Rent then in queſtion, to be paid for the Uſe hereby authorized to be made of and the Privilege to be exerciſed in or derived from any Lands, Tenements, or Hereditaments for the Purpoſes of this Act, by laying and placing ſuch Pipes, Drains, Aqueducts, and Conduits for conveying Water from the ſaid Spring or Springs, or otherwiſe, in taking and conveying ſuch Water, and the Recompence and Compenſation then in

queſtion

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

Expences of Jury how to be borne.

XVII. And be it further enacted, That in caſe a greater Sum, as the Purchaſe Money or Compenſation for Damages, annually or otherwiſe, ſhall be given by the ſaid Verdict, than had been offered by or on Behalf of the ſaid Company before the ſummoning of the ſaid Jury, or if by reaſon of Abſence, or any Impediment or Diſability, no Perſon or Perſons ſhall have been found capable to enter into and contract with the ſaid Company, and make Conveyances to and receive the Money and Compenſation in queſtion from the ſaid Company of Proprietors, then and in ſuch Caſes the Expences of the ſaid Party, between whom and the ſaid Company ſuch Queſtion ſhall ariſe of ſummoning ſuch Jury, and of ſuch Proceedings, and taking and returning ſuch Verdict in manner before provided, and all Coſts incident thereto, ſhall be ſettled and aſcertained by the Juſtice or Juſtices acting therein, and ſhall be defrayed and paid by the ſaid Company; but if ſuch Verdict ſhall be given for the ſame Sum that had been (before ſummoning ſuch Jury) previouſly offered to be paid by or on Behalf of the ſaid Company, or a leſs Sum, or no Damages ſhall be given by the Verdict of the Jury where the Diſpute ſhall be concerning Damages only, then and in all ſuch Caſes ſuch Coſts and Expences of the ſaid Company of ſummoning the Jury, and of ſuch Proceedings, and taking and returning ſuch Verdict, and all Coſts and Expences incident thereto as aforeſaid, and to be ſettled and aſcertained as aforeſaid, ſhall be borne and paid by the Perſon or Perſons between whom and the ſaid Company ſuch Queſtion ſhall ariſe, and the ſame ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, or any future Payment to be made by the ſaid Company, to or for ſuch Perſon or Perſons, as ſo much Money paid or advanced to or for his, her, or their Uſe, or recovered by an Action of Debt, or on the Caſe, at the Suit of the ſaid Company, in any Court of Law.

XVIII. And

and on Payment, etc. Lands, etc. to be veſted in the Company.

XVIII. And be it further enacted, That on Payment or Offer of the Money ſo as aforeſaid agreed for, or ſo aſſeſſed and adjudged, and ſuch Coſts as aforeſaid, when payable by the ſaid Company, and of the Reſidue of the ſaid Money ſo aſſeſſed, after deducting ſuch Coſts, when and in ſuch Caſes as the ſaid Company ſhall be entitled to Coſts, to the reſpective Perſon or Perſons entitled to ſuch Money, or his or their Agent, or in caſe ſuch Perſon or Perſons entitled thereto, or his or their Agent, cannot be aſcertained or met with in the ſaid County Palatine of *Lancaſter*, or it ſhall not appear, in conſeqence of Diſputes, who is entitled thereto, then upon depoſiting the ſaid Money from Time to Time in the Hands of the Treaſurer of the ſaid Company, if the ſame ſhall not exceed the Sum of Fifty Pounds, and upon Payment thereof, if the ſame ſhall exceed that Sum, into the Bank of *England*, in the manner herein-after mentioned, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Workmen and Servants, immediately to enter upon, take, and enjoy the Lands, Tenements, and other Hereditaments reſpectively, or before ſuch Payment or Tender by Leave of the Owners and Occupiers thereof, and then and thereupon ſuch Lands, Tenements and other Hereditaments, for which ſuch Money ſhall be ſo paid, offered, or depoſited, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the Property of the ſaid Company of Proprietors to and for the Purpoſes of this Act for ever; and ſuch Payment, Offer, or Depoſit for the ſame as aforeſaid, ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons, to or for whom the ſame ſhall have been made, but alſo ſhall extend and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder of his, her, or their Iſſue, and of every other Perſon whomſoever claiming under them; and where ſuch Payment, Offer, or Depoſit, ſhall be in reſpect of Damages or Annual Payments, the ſame ſhall be and amount unto a Satisfaction for ſuch Damages or Annual Payments.

Purchaſe Monies or Compenſation due to Corporate Bodies, Minors, etc. to be ſo to the ſame Uſes, etc.

XIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees or Perſons acting as Guardians, Committees, or other Truſtees, for or on behalf of any Lunatics, Idiots, Femes Covert, or other *Ceſtuique* Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, for the Purchaſe or Exchange of or the Damage to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, ſhall be paid and applied in Manner following; that is to ſay, in caſe the ſame ſhall amount to or exceed the Sum of Two Hundred Pounds, it ſhall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Company of Proprietors of *The Rochdale Waterwokks*, together with the Name or Names of ſuch Perſon or Perſons as Three of the Proprietors of the ſaid Waterworks ſhall by Writing ſigned by them direct and appoint, 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 Redemption or Purchaſe of the Land Tax, or

towards the Diſcharge of any Debt or Debts, or ſuch other Charge or Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, 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 Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until 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 and Settlement were made.

Application where not exceeding 200. l. and above 20 l.

XX. Provided always, and be it further enacted, That in caſe the Money ſo payable to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed 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, in reſpect whereof the ſame ſhall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or other Perſon or Perſons acting as ſuch as aforeſaid, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 Two or more of the ſaid Proprietors, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where leſs than 20 l.

XXI. And be it further enacted, That in caſe the Money payable to ſuch Corporation, or to any Perſon under Diſability or Incapacity as aforeſaid, ſhall not exceed Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments

in respect whereof the same shall be paid, in such Manner as the said Proprietors, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Directors shall direct the same to be paid, shall be sufficient Discharges for the same.

In case of not making out Titles, etc.

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Proprietors, or any Three or more of them; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Proprietors, or any Three or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, 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 of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying 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.

Where any Question shall arise touching the Title to Money to be paid.

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

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

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

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

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

XXV. And be it further enacted, That such of the Owners of Buildings within or Inhabitants of the said Town of *Rochdale*, or within the Distance of One Quarter of a Mile of any Part of the Wells, Reservoirs, Pipes, Conduits or Drains for lodging or conducting the said Water, and within the Townships of *Hundersfield*, *Spotland*, and *Castleton*, as shall be desirous of having Water conveyed in Pipes into their Houses, Yards, or Offices, may and are hereby authorized and empowered, at their own Expence (having first obtained the Consent in Writing of such Person as the said Company shall authorize under their Common Seal to give such Consent, and also the Consent of the Owner or Owners, and Occupier or Occupiers of any inclosed Lands or Grounds in which such Pipes shall be placed) to open the Ground between the said Company's Wells, Reservoirs, Main Pipes, or Aqueducts, and the respective Houses, Buildings, and Yards of such Owners or Inhabitants, and to lay Leaden or such other Pipes, and of such Bore, and continue them for such Term and Time as shall be agreeable to the said Company, and specified in such Writing giving such Consent as aforesaid, from such Houses, Buildings, and Yards, to communicate with the said Wells, Reservoirs, Aqueducts or Main Pipes, upon such Terms and Conditions, and such respective Owners of Buildings or Inhabitants agreeing to pay and paying to the said Company, yearly, or at shorter Periods, such Rate or Rates, or Sum or Sums of Money, for such Privilege and Water, as shall be mutually agreed upon between them; and in case of Default in Payment of any such Sum or Sums of Money so agreed to be paid, the same shall be recoverable by the said Company, with the Costs of such Recovery, by Distress and Sale of the Goods and Chattels of the Person or Persons respectively liable to pay the same, in the same Manner as Rents in Arrear upon common Demises may be recovered.

XXVI. And

Pipes may ſtopped and ſeparated by the Company for certain Cauſes.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company to cauſe any Pipe or Pipes, Drain or Aqueduct, which ſhall communicate with any of the Wells, Reſervoirs, Pipes or Aqueducts of the ſaid Company, without their Conſent as aforeſaid, and the Pipe or Pipes, Drains or Aqueducts of any Perſon or Perſons reſpectively ſo communicating, who ſhall negligently ſuffer the ſame, or the Cocks belonging thereto to be out of Repair, ſo as to let the Water run waſte and uſeleſs, or who ſhall make ſuch Default in Payment as aforeſaid, or at the end of the Term or Time agreed for ſuch Pipes and Aqueducts remaining, or when it ſhall be neceſſary for the Alteration or Amendment of the ſaid Company's Pipes or Works, to be ſtopped and ſeparated from the Wells, Reſervoirs, Aqueducts, and Pipes of the ſaid Company, and the Water to be ſtopped from iſſuing or running therefrom by means of ſuch Pipes, Drains, or Aqueducts, ſo authorized to be ſtopped and ſeparated; and if any Perſon ſhall lay or place or cauſe to be laid or placed any Leaden or other Pipe, Drain, or Aqueduct, to communicate with any Aqueduct, Pipe, Reſervoir, or Well belonging to the ſaid Company, without ſuch Conſent as aforeſaid, or ſhall replace any Pipe or Aqueduct after being ſo ſtopped or ſeparated as aforeſaid, or ſhall continue the ſame beyond the Time agreed for without the Conſent and Approbation of the ſaid Company, every ſuch Perſon ſhall be liable to forfeit and pay to the ſaid Company or their Treaſurer for their Uſe, any Sum not exceeding Ten Shillings for every Day ſuch Pipe or Aqueduct ſhall afterwards remain, and Water ſhall iſſue by means thereof from any Well, Reſervoir, or Aqueduct of the ſaid Company; but ſuch Perſon to whom ſuch Pipes laid to communicate with the Aqueduct, Wells, or Reſervoirs of the ſaid Company, and the Cocks attached thereto, ſhall belong, ſhall be at liberty to remove and take away the ſame at the end of the Term agreed for.

Penalty for joining Pipes to thoſe of the Company without Leave.

When Ground is broken up for laying Pipes, it is to be filled in again as ſoon as poſſible, and fenced in the meantime to prevent Accidents.

XXVII. Provided always, and be it further enacted, That any Ground, Highway or Pavement, which ſhall or may be opened or broken up either by the ſaid Company of Proprietors, or by any other Perſon or Perſons for laying, taking up, or repairing any Aqueduct or Pipe, or for any other Purpoſe, by virtue of this Act, ſhall by the ſaid Company of Proprietors or other Perſons reſpectively ſo opening the ſame be filled in, and the Rubbiſh occaſioned thereby carried away as ſoon as conveniently may be, under the Inſpection and Direction of the Surveyor to the ſaid Company of Proprietors, and the Surveyor of the Highways for the Townſhip in which ſuch Rubbiſh ſhall lie; and in the meantime ſhall be fenced or guarded ſo that the ſame may not be dangerous to Paſſengers or Cattle or otherwiſe; and that if there ſhall be any wilful or negligent Delay in any of the Agents or Servants of the ſaid Company of Proprietors, or any ſuch other Perſon or Perſons, in taking up or repairing any of the ſaid Aqueducts or Main Pipes, or any of the ſaid Communication Pipes, or in any other of the Works to be done under the Colour or Authority of this Act, or in filling in or removing the Rubbiſh thereby occaſioned, that then and in every ſuch Caſe the ſaid Agents or Servants of the ſaid Company of Proprietors, or ſuch other Perſons reſpectively ſo negligent, ſhall forfeit any Sum not exceeding Five Pounds, to be applied to the Uſe of the Poor of the Townſhip where ſuch Fine ſhall ariſe.

Penalties for hindering or injuring the

XXVIII. And be it further enacted, That if any Perſon ſhall wilfully or maliciouſly hinder or interrupt, or cauſe or procure to be hindered or inter

Company's Works or fouling the Water;

interrupted, the ſaid Company of Proprietors, or their Managers, Agents, Servants, or Workmen, or any of them, in doing or performing any of the Works, or in the Exerciſe of any of the Powers and Authorities in this Act authorized or contained; or if any Perſon whomſoever ſhall wilfully or maliciouſly let off or diſcharge any Water, ſo that the ſame ſhall run waſte and uſeleſs to the ſaid Company or Concern, or any Perſon entitled thereto, under an Agreement with them, out of or from any of the Ciſterns, Reſervoirs or Wells, Pipes or Aqueducts hereby authorized to be made; or ſhall wilfully or maliciouſly break, throw down, injure, damage or deſtroy any Wells, Ciſterns, Reſervoirs, Aqueducts, Pipes, Drains, Plugs, Cocks, Works, Matters or Things of the ſaid Company, made or to be made or provided in purſuance of this Act, or for the Purpoſe of the Execution of the Powers herein contained; or if any Perſon whomſoever ſhall bathe in any of the Wells, Ciſterns, or Reſervoirs of the ſaid Company, to be made purſuant to the Powers herein contained, or incite or wilfully cauſe any Dog or other Animal to enter the ſame, or ſhall waſh, caſt, put or throw any Dog or Cat, or other Animal, alive or dead, or any Cloth, Wool, Filth, Dirt, or other noiſome or offenſive Matter or Thing, or cauſe, permit, or ſuffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into any of the ſaid Wells, Ciſterns or Reſervoirs, Pipes or Conduits, or otherwiſe wilfully foul or render noiſome or impure, or cauſe or procure ſo to be, the Water running to or contained in any of ſuch Wells, Ciſterns or Reſervoirs, Pipes or Conduits; or if any Perſon or Perſons, ſupplied with Water by virtue of this Act, ſhall wilfully permit any other Perſon or Perſons, not having the Authority or Conſent of the ſaid Company, to take any Water at the Pipes or Reſervoirs of the ſaid Company, or ſhall ſupply any ſuch other Perſon or Perſons with any Water from ſuch Pipes or Reſervoirs (ſave and except ſuch Perſon or Perſons whoſe Pipes may be out of Repair, ſuch nevertheleſs being repaired as ſoon as poſſible after any Damage ſhall have happened thereto), or ſhall, by negligently ſuffering his or their Pipes or Aqueducts, or the Cocks belonging thereto, to be out of Repair, occaſion the Water thereby ſupplied to run waſte and uſeleſs; or if any Perſon, not having ſuch Conſent of the ſaid Company as aforeſaid, ſhall take or uſe any of the Water ſupplied by means of the Works of the ſaid Company, other than and except at the Reſervoirs or Wells at or near the Places where the ſaid Springs ariſe, for ſuch Purpoſes and as hath heretofore been uſual, then and in every ſuch Caſe the Perſon ſo offending as aforeſaid ſhall from Time to Time forfeit and pay to the ſaid Company of Proprietors any Sum not exceeding Five Pounds, according to the Diſcretion and Deciſion of the Juſtice of the Peace before whom the ſame ſhall be recovered, as herein-after provided, beſides the full Amount of the Damage ſuſtained by the ſaid Company, by the Acts or Means in reſpect of which ſuch reſpective Penalties ſhall be incurred in addition thereto; and the ſaid Company ſhall be at Liberty to take away the Supply of Water of ſuch Perſon ſo offending, from the Reſervoirs, Ciſterns, or Pipes of the ſaid Company; but nothing in this Act contained ſhall prevent or be conſtrued to extend to prevent any of the Water ſupplied or collected under the Authority of this Act from being uſed to extinguiſh any Fire or Fires whatſoever that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay, Corn or other Produce, or any Waggon, Cart, or other Carriage, or any Matter or Thing therein contained, or ſhall be in danger of ſo communicating; provided that as little Damage as may be ſhall be done to the Reſervoirs Ciſterns'

and on Perſons ſupplied with Water ſupplying others;

or uſing Water without Conſent of Company;

except for Purpoſes ſpecified.

Cisterns, Aqueducts, Pipes, Drains, or Works of the said Company, by or in procuring the Water for the Purpose last aforesaid; and any Damage or Injury that shall be so done shall be compensated for; and the Reservoirs, Cisterns, Aqueducts, Pipes, Drains, or Works so injured, shall be completely and effectually, and with as little Loss of Time as may be, repaired by or at the Expence of the Person to whose Buildings, Ricks or Stacks, Waggons, Carts or other Carriages, such Fire shall have communicated, or be in danger of communicating; and provided that no Person supplied with Water under the Consent and Agreement with the said Company for that Purpose, shall be liable to any Penalty or Payment for supplying any other Person or Persons who is or are entitled at that Time to be supplied with Water from any of the Reservoirs, Cisterns, or Pipes of the said Company, but cannot then be so supplied by his, her, or their own Pipes in consequence of the same or those of the said Company being then out of Repair, if no Neglect or Loss of Time have been permitted to take place in repairing the Pipes of such Person or Persons.

The Company may increase the Amount of their Subscriptions, or admit fresh Subscribers.

XXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, or such other Persons as they shall admit, to contribute, by Subscription, in such Proportions, Manner and Form as they shall agree upon, such further Sum or Sums of Money, in Addition to those already subscribed by and among them, for effecting the Purposes aforesaid, and defraying the Expence of this Act, as to make up the whole Amount of such Subscription, and the Stock of the Proprietors in the said Concern, any Sum not exceeding the Sum of Two thousand Pounds; and the same, or a sufficient Part thereof, shall be laid out and applied in the first Place in discharging the Expences of preparing, soliciting, obtaining, and passing this Act, and of making the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then for and towards the Expences already incurred or hereafter to be incurred in making, completing, and maintaining the said Reservoirs and Aqueducts, Works and Conveniences, and otherwise for putting this Act in Execution; and that no Person contributing or becoming a Proprietor in the said Undertaking do become a Proprietor of less than One Share or of more than Twenty Shares (each Share to consist of Twenty Pounds), either in his own Name or in the Name or Names of any other Person or Persons in Trust for him, her, or them, (unless the same shall come to him, her, or them by Will, Bequest, Descent, Right of Administration, or Marriage), upon Pain of forfeiting to the said Company of Proprietors all such Shares (exceeding Twenty Shares), and the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, and Assigns, as Part of their Personal Estate and Effects, and to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute.

And Materials, &c. to be provided, to be the Property of the Company; and the Profits, &c. to be divided.

XXX. And be it further enacted, That all the Materials of which the aforesaid Wells, Reservoirs and Cisterns, shall be constructed, as well as the Pipes, Cocks, Conduits and other Utensils and Things furnished and provided for the Purposes aforesaid, or by the said Company, or their Managers, Officers, or Servants, at the Expence of the said Company, and all the Profits, Benefits and Advantages to arise from the said Concern, or under or by virtue of this Act, or the Powers herein-contained, shall be

and be conſidered to all Intents and Purpoſes veſted in and be the Property of the ſaid Company in Truſt, and for the Uſes and Purpoſes aforeſaid; and all Perſons, their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, ſhall be entitled to and receive, after the ſaid Reſervoirs, Aqueducts, and Works ſhall be declared fit for Service by the ſaid Company of Proprietors, or their Managers, an equal and proportionable Diſtribution according to the Share or Shares they ſhall reſpectively poſſeſs, of the nett and clear Profits and Advantages of the ſaid Concern, after deducting all neceſſary and incidental Charges, Diſburſements, and Expences, provided they do not exceed Ten Pounds *per Centum* on the Monies ſo expended; and every Perſon having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſame.

Power to raiſe Money by Mortgage of the Undertaking.

XXXI. Provided always, and be it further enacted, That in caſe the ſaid Company of Proprietors ſhall be deſirous of raiſing any Sum which may be neceſſary for the Purpoſes aforeſaid, not exceeding the Sum of Two thouſand Pounds, beyond what is already ſubſcribed, or may hereafter by the Conſent of the ſaid Company be ſo as aforeſaid contributed and ſubſcribed, by the Creation of new Shares at Ten Pounds each, or by Mortgage of the ſaid Undertaking, it ſhall be lawful for the ſaid Company of Proprietors to borrow and take up at Intereſt all or any Part of ſuch additional Sum, in One Sum or more, on the Credit of the ſaid Undertaking, and to aſſign the Property of the ſame Undertaking, and the Profits and Advantages ariſing or to ariſe to the ſaid Company of Proprietors by virtue of this Act, or any Part thereof (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Sums of Money), as a Security for any Sum or Sums of Money ſo to be borrowed, with Intereſt, to ſuch Perſon or Perſons, or to his, her, or their Truſtee or Truſtees who ſhall advance the ſame; all which ſaid Aſſignments ſhall be made under the Common Seal of the ſaid Company of Proprietors, and ſhall be in the Form or to the Effect following; that is to ſay,

Form of Mortgage.

‘ BY Virtue of an Act, made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*] We the Company of Proprietors of the ſaid Undertaking, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand paid by *A. B.* of do hereby bargain, ſell, and aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Waterworks, and all the Works thereto 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 Eſtate, Right, Title, and Intereſt of, in, and to the ſame; to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt for the ſame after the Rate of *per Centum per Annum* ſhall be fully paid and ſatisfied. Given under our Common Seal, this Day of in the Year of our Lord One thouſand eight hundred and

And all Perſons to whom ſuch Aſſignment ſhall be made ſhall be equally entitled one with the other to the ſaid Undertaking, Profits, and Advan-

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

Form of Aſſignment.

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

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

Mode of Recovery of Fines and Forfeitures.

XXXII. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted or impoſed by this Act, or which ſhall be inflicted or impoſed by any Rule, Order, or Bye Law, of the ſaid Company, to be made under the Authority of this Act, may in caſe of Non-payment thereof be recovered in a ſummary Way, by the Order and Adjudication of any One or more Juſtice or Juſtices of the Peace of the ſaid County Palatine of *Lancaſter*, on Complaint to him or them for that Purpoſe exhibited, and afterwards be levied, as well as the Coſts of ſuch Proceedings on Non-payment, by Diſtreſs and Sale of the Goods and Chattels of the Offender or reſpective Offenders, or Perſon or Perſons liable to pay the ſame, by Warrant under the Hand and Seal of ſuch One or more Juſtice or Juſtices, who is and are hereby authorized and required to ſummon and examine any Witneſs or Witneſſes upon Oath of and concerning ſuch Offences, Matters, and Things, and hear and determine the ſame, and to fix and mitigate the ſaid Penalties and Forfeitures according to his or their Diſcretion, and Proviſions in that reſpect herein-before contained; and the Overplus, if any, of the Money ſo raiſed or recovered, after diſcharging the Fine, Penalty, or Forfeiture, for which ſuch Warrant ſhall be iſſued, and the Coſts and

Offences of recovering and levying the ſame, ſhall be rendered to the Owner or Owners of the Goods or Chattels ſo ſeized and diſtrained; and for want of ſufficient Diſtreſs, Goods, and Chattels, whereon to levy as aforeſaid, and in caſe the Fine, Penalty, or Forfeiture, and the Coſts of recovering the ſame or any Part thereof ſhall remain unpaid for the Space of Twenty Days or upwards after ſuch Order and Adjudication made, it ſhall be lawful for ſuch Juſtice or Juſtices, and he or they is or are hereby authorized and required, upon Application made to him or them for that Purpoſe, by Warrant under his or their Hand and Seal or Hands and Seals, to commit ſuch Offender or Offenders, Perſon or Perſons, ſo liable to ſuch Payments, to the Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all Coſts and Expences attending the Proceedings to recover the ſame, ſhall be ſooner paid and ſatisfied.

XXXIII. And be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up according to the Form following; (that is to ſay),

Form of the Order.

'Lancaſhire } BE it Remembered, That on the Day of
'to wit. } in the Year our Lord
'*A.B.* is convicted before me *C.D.* of One of His Majeſty's Juſtices of
'the Peace for the County of
'[*here ſpecify the Offence or Omiſſion, and Time and Place when and*
'*where committed, as the Caſe may be*]. Given under my Hand and Seal
'the Day and Year firſt above written.'

Appeal to the Seſſions.

XXXIV. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance or by virtue of this Act, or by any Rule, Bye Law, or Order, to be made by virtue thereof, every ſuch Perſon may at the next General Quarter Seſſions of the Peace for the ſaid County, or any Adjournment thereof, holden at the uſual Place for tranſacting the Buſineſs of the Hundred within which ſuch Offence ſhall ariſe, if ſuch Seſſions or Adjournment ſhall be more than Fourteen Days after ſuch Order or Adjudication ſhall be made, excluſive of the Day of making thereof, and alſo of the holding ſuch Seſſions or Adjournment, or at the next Seſſions but one, or any Adjournment thereof as aforeſaid to be ſo holden, if there ſhall not be more than Fourteen Days before ſuch next Seſſions or Adjournment, ſuch Perſon giving Notice in Writing of ſuch Appeal within Six Days after ſuch Fact committed, ſhall be made to the Complainant in ſuch Proceedings, and entering into a Recognizance with One good and ſufficient Surety before ſome Juſtice or Juſtices of the Peace for the ſaid County, in ſuch Sum as he or they ſhall require, to abide the Event of ſuch Appeal and the Order of Seſſions thereon; and the ſaid Court of Quarter Seſſions to which ſuch Appeal ſhall be made, ſhall, in a ſummary way, hear and determine ſuch Appeal, or may adjourn the Hearing and Determination thereof to the next Seſſions at the ſame Place and then hear and determine the ſame, and award Coſts to and againſt either Party, as ſuch Court may think fit; and the Determination of ſuch Seſſions ſhall be final and concluſive between the Parties, and ſuch Proceedings ſhall not be quaſhed or vacated for want of Form, nor be removed or removable by *Certiorari* or otherwiſe.

XXXV. And

Diſtreſs not to be deemed unlawful on account of Irregularity.

XXXV. And be it further enacted, That no Diſtreſs made under any ſuch Proceedings as aforeſaid ſhall be deemed unlawful, nor ſhall the Perſon or Perſons making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Irregularity therein, or which ſhall afterwards be done by ſuch Perſon or Perſons diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe, unleſs Tender or Payment of ſufficient Amends ſhall have been made to the Plaintiff or Plaintiffs for the ſpecial Damage ſo ſuſtained before ſuch Action ſhall have been commenced; and in Caſe no ſuch Tender or Payment ſhall have been made before ſuch Action brought, it ſhall be lawful for the Defendant or Defendants, and he or they may, by Leave of the Court wherein ſuch Action ſhall be brought, at any Time before Iſſue joined, or afterwards on withdrawing the Defendant's Plea or Pleas therein, pay into Court, ſuch Sum of Money as ſuch Defendant or Defendants ſhall think fit, whereupon ſuch Advantage ſhall be derived to the ſaid Defendant or Defendants, and ſuch Proceedings, Order, and Judgments, ſhall be had, made or given in and by ſuch Court, as in other Actions where the Defendant or Defendants is or are allowed to pay Money into Court.

Limitation of Actions;

General Iſſue.

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

Subſcribers compelled to pay their Subſcription.

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

XXXVIII. And

Public Act.

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

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