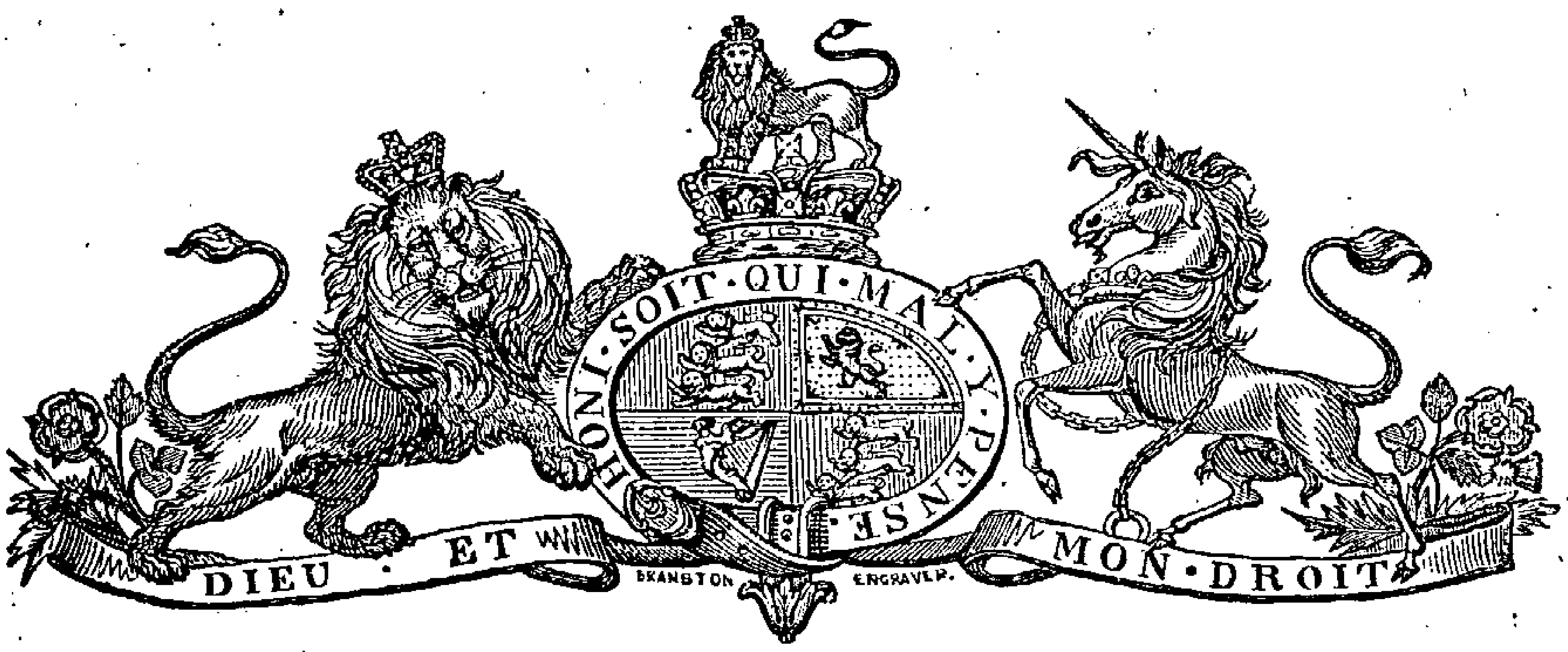


ANNO SECUNDO

VICTORIÆ REGINÆ.

****

Cap. xxiv.

An Act to consolidate, amend, enlarge, and extend the Powers and Provisions of Two Acts of King *George* the Third, for better supplying the Town and Neighbourhood of *Rochdale* with Water.

[4th *June* 1839.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An* 49 G.3. c.25.
Act for better supplying the Inhabitants of the Town of Rochdale *and the Neighbourhood thereof with Water*, whereby certain Persons therein named as being willing and desirous, at their own Expence, to undertake the Works necessary for better supplying the Town and Neighbourhood of *Rochdale* with Water, and their Successors, were incorporated by the Name of "The Company of Proprietors of the *Rochdale* Waterworks," with Powers to purchase Lands, Tenements, and Hereditaments, and other Powers for carrying on such Undertaking: And whereas another Act was passed in the Fifty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and enlarging the Provisions of an Act* 56 G.3. c.61.
of the Forty-ninth Year of His present Majesty, for better supplying the Inhabitants of the Town of Rochdale *and the Neighbourhood with Water:* And whereas by the said first-recited Act the aforesaid

Company were empowered to resort unto, enter, view, examine, open, and cleanse a certain Spring called the *Noon Sun Spring* or *Noon Sun Well*, and such other Spring or Springs or Streams as might be found in any Lands to be purchased by the aforesaid Company, and also to purchase any Lands or Grounds wherein any Springs or Streams might be found, as might enable the aforesaid Company to convey the Water of such Springs or Streams to any Reservoirs or Drains or other Works of the aforesaid Company, and also to purchase any additional Springs or Streams, or the Use of, or exclusive Use of, any such Springs or Streams, or any Rights, Interests, or Easements necessary to enable them to have and enjoy the Use and Benefit thereof, for increasing the Supply of Water for the Purpose of the Act, and to maintain such Pipes, Drains, Aqueducts, and Conduits, and other Works, as might be by them considered necessary for effectuating the Purposes of the said Act: And whereas by the said secondly-recited Act the aforesaid Company were empowered to take and use the surplus Water of a certain Spring or Stream called *Fanny Brook* or *Fanny Stream*, at or near a certain Place called *Mundas Bridge*, for the Purpose of supplying the Reservoirs of the aforesaid Company with additional Water, and to dam up and divert the same, and to make Aqueducts, Feeders, and Works for so conveying the same, and also other Aqueducts, Feeders, and Works, and to repair, alter, or amend the same, and to cut or open such Parts of the Lands through which the said Spring or Stream, Aqueducts, Feeders, and Works, shall run, and which surplus Water was thereby directed to be ascertained by a Gauge, to be fixed up and erected upon the said Spring or Stream by such Persons as is therein mentioned, and to be so placed as that the Water would be above the Level of any Reservoir to be supplied with such surplus Water: And whereas the aforesaid Company made and formed a Reservoir in the Township of *Wardleworth*, called *Jepheys* or the *Lower Reservoir*, in Land by them contracted for and taken under the Powers of the said first-recited Act, and which they now hold, subject to the Payment of an annual Rent for the same, and the aforesaid Company diverted the aforesaid Spring called the *Noon Sun Spring* or *Noon Sun Well* into the said Lower Reservoir, by means of an Aqueduct or Drain made by the aforesaid Company for the Purpose: And whereas the aforesaid Company also made and formed a certain other Reservoir in the said Township of *Wardleworth*, called the *Buckley Wood* or *Higher Reservoir*, in other Land by them also contracted for and taken under the Powers of the said first-recited Act, and which they now hold, subject to the Payment of an annual Rent for the same, and such last-mentioned Reservoir was supplied with a Stream of Water called *Syke Brook*, flowing or running through the Land so contracted for and taken as last aforesaid, and which Stream now forms a Feeder of such Reservoir; and the aforesaid Company diverted, by means of an Aqueduct or Feeder made by the aforesaid Company, the surplus Water of the said Spring or Stream called *Fanny Brook* or *Fanny Stream* into the said Higher Reservoir, such surplus Water being ascertained by means of a Gauge fixed across the said Brook according to the Provisions of the said secondly-recited Act: And whereas the aforesaid Company have made and constructed an

Aqueduct or Conduit from the said Upper Reservoir, through certain Lands or Fields in the said Township of *Wardleworth*, and through a Piece of Waste or Common Land in the same Township, called *Wilson's Demesne* or *Cronkey Shaw Common*, into the said Lower Reservoir: And whereas the aforesaid Company are possessed of and hold all the Right and Interest formerly of *Ralph Taylor* of *Rochdale* of and in certain Springs of Water arising in Lands called *Leylands Brow*, in the Township of *Castleton*, and of and in Two Reservoirs, and of and in the Trunks, Pipes, and Waterworks belonging thereto, in the same Township and the Townships of *Wardleworth* and *Spotland*: And whereas the aforesaid Company have, under the Powers of the said first-recited Act, contracted for and taken Five Acres of Land in the said Township of *Wardleworth* for the Purpose of making an additional Reservoir adjoining to the said Higher Reservoir for the Purposes of the said recited Acts, and which they now hold, subject to the Payment of an annual Rent for the same, and which Reservoir is now making, but is not yet completed: And whereas the aforesaid Company have provided and laid down in the said Town and Neighbourhood extensive Lines of Main and Branch Pipes for supplying the Houses, Buildings, and Premises therein and the Inhabitants with Water: And whereas the Capital or Joint Stock of the aforesaid Company by the said first-recited Act authorized to be raised was divided into One hundred and fifty-one Shares of Twenty Pounds each, and the whole thereof was paid up and expended in or towards carrying the Purposes of the said recited Acts into execution; and since the passing of the said recited Acts the Population and Number of Buildings in the said Town and Neighbourhood of *Rochdale* have been from Time to Time very much increased, and in order to aid in extending the Supply of Water to such increasing Population and Number of Buildings the respective Shareholders have from Time to Time advanced additional Sums of Money on each Share beyond such Sum of Twenty Pounds, and have also allowed Interest or Dividends on all such their respective Shares to be laid out and applied in promoting such extended Supply of Water, whereby the Amount or Sum of Eighty-four Pounds has been subscribed, paid, or contributed on each Share, making together the Capital Sum of Twelve thousand six hundred and eighty-four Pounds; and all such Monies have been laid out and expended for the Purposes aforesaid, and the said Town and Neighbourhood have been greatly benefited thereby, and the further Sum of Two thousand Pounds borrowed on Mortgage of the Undertaking, together with a further Sum of Five hundred Pounds advanced on Bond or Personal Security of certain Members of the aforesaid Company (which Sums still remain due and owing) have also been laid out for the Purposes aforesaid: And whereas the Population and Number of Buildings in the said Town and Neighbourhood are still greatly increasing, and many new Streets have been laid out, and others are in progress, as well within the Limits authorized by the said recited Acts as beyond the same, in the Neighbourhood of the said Town, and the Works authorized by the said recited Acts cannot be completed, nor the said Town and Neighbourhood be sufficiently supplied with Water, unless the Company of Proprietors of the *Rochdale* Waterworks are empowered to raise and hold a larger Capital or

Joint

Joint Stock, and to borrow or raise a larger Sum of Money than authorized by the said recited Acts; and it is expedient further Powers should be given to them for laying down Water Mains or Pipes in the several Townships, Hamlets, or Places of *Hundersfield*, *Spotland*, *Castleton*, *Wardleworth*, and *Wuerdle* and *Wardle*, within the Parish of *Rochdale* in the County Palatine of *Lancaster*, and all within the said Town and Neighbourhood of *Rochdale*: And whereas several Persons have agreed to subscribe the Sum of Eight thousand three hundred and sixteen Pounds for the Purpose of carrying such beneficial Purposes and the general Purposes of the said recited Acts into effect: And whereas the several Purposes aforesaid might be more conveniently and effectively carried into execution if the said recited Acts were repealed, and new Powers and Provisions granted and made instead thereof for better supplying the said Town and Neighbourhood with Water: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Acts repealed.

That from and immediately after the passing of this Act the said recited Act passed in the Forty-ninth Year of the Reign of King *George* the Third, and the said recited Act passed in the Fifty-sixth Year of the same Reign, and all the Powers, Authorities, Provisoes, Clauses, Matters, and Things therein respectively contained, shall be and the same are hereby repealed.

Re-establishment of the Waterworks Company.

II. And be it further enacted, That from and immediately after the passing of this Act the several Persons and Bodies Politic and Corporate who were immediately before the passing of this Act Proprietors of Shares in the Capital or Joint Stock of the Company of Proprietors of the *Rochdale* Waterworks, incorporated by the first herein-before recited Act, shall be and they are hereby reunited into, and they, and their Successors, Executors, Administrators, and Assigns, Proprietors for the Time being of Shares in the Capital or Joint Stock of the Company hereby established, shall be and for ever remain and be a Company for better supplying with Water the said Town of *Rochdale* and the Neighbourhood thereof, according to the Rules, Orders, Powers, Provisions, and Directions herein-after contained, and for such Purposes shall 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, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded, at Law and in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment, Information, or Complaint for any Felony, Misdemeanor, or other Offence indictable or otherwise punishable by the Laws of this Realm, and shall 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 Purposes of this Act, without incurring any of the Penalties of the Statutes of Mortmain, and shall have Power to sell and convey and dispose of any such Lands, Tenements, or Hereditaments, or any Part or Parts thereof.

III. And

Repeal of recited Acts not to prevent the Recovery of Penalties;

III. And be it further enacted, That the Repeal of the said recited Acts shall not extend or be construed to extend to prevent the suing for or Recovery of any Penalty incurred in respect of any Offence against the Provisions of the said recited Acts so repealed as aforesaid, or either of them, previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or which might have been brought for any such Offence; but all Penalties which have been incurred before the passing of this Act under the Provisions of the said Acts, or either of them, may be sued for and recovered under the Provisions of this Act, and all Offences which have been committed before the passing of this Act against the Provisions of the said recited Acts, or any of them, may be prosecuted under the Provisions of this Act.

nor to affect Contracts, Conveyances, &c.

IV. Provided always, and be it further enacted, That the Repeal of the said recited Acts shall not extend or be construed to extend to invalidate or make void any Contract, Agreement, Assurance, Demise, or Sale, or any Conveyance, Grant, or Lease of any Lands, Tenements, or Hereditaments entered into or made by any Person or Persons with or to the aforesaid Company incorporated by the first herein-before recited Act, but the same respectively shall be available for the Purposes of this Act in like Manner to all Intents and Purposes as the same are or were available for the Purposes of the said recited Acts at or immediately before the passing of this Act.

Contracts, &c. to remain in force.

V. And be it further enacted, That all Contracts, Agreements, Bonds, Covenants, and Securities entered into or made before the passing of this Act to, with, or by the aforesaid Company incorporated by the first herein-before recited Act so repealed as aforesaid, shall, notwithstanding the Repeal of the said recited Acts, be, remain, and continue of the same Validity, Force, and Effect, in Law or Equity, to all Intents and Purposes as if the said recited Acts had not been repealed, and shall be as available for the Purposes of this Act as if the same respectively had been entered into and made to, with, or by the said Company hereby established.

Sale of Shares under former Act to remain in force.

VI. And be it further enacted, That all Sales, Transfers, and Dispositions made before the passing of this Act by any Person or Persons, or Body or Bodies Politic or Corporate, of any Share or Shares in the Joint Stock of the aforesaid Company incorporated by the first herein-before recited Act, shall remain in full Force and Effect, and shall be and continue available in all respects whatsoever in the same Manner as if the same respectively were or had been made, entered into, or executed under or by virtue of any of the Powers or Authorities contained in this Act.

Mortgages under former Acts to continue in force.

VII. And be it further enacted, That all Mortgages and Assignments of the Property and Effects of the aforesaid Company incorporated by the first herein-before recited Act, made in pursuance of the said recited Acts or either of them, shall, notwithstanding the Repeal of the said recited Acts, remain and continue in full Force and Effect until the Principal and Interest thereby secured shall be paid off and discharged by the Company hereby established, and shall be available

available against the Property and Effects of the Company hereby established, in like Manner and to the same Extent as such Mortgages or Assignments respectively are or were available against the Property and Effects of the aforesaid Company at or immediately before the passing of this Act.

For securing the Priority of former Mortgagees.

VIII. Provided always, and be it further enacted, That all Persons to whom any Mortgage or Assignment of the Property and Effects of the aforesaid Company incorporated by the first herein-before recited Act has been made, in pursuance of the said recited Acts or either of them, shall, notwithstanding the Repeal of the said recited Acts, be entitled to and shall have and enjoy the like Priority for Payment of Interest, and Repayment of the Principal Sums advanced on any such Mortgage or Assignment, in preference to any Person or Persons who shall lend or advance any Money to the Company hereby established on Mortgage, under or by virtue of this Act, as they respectively would have been entitled to or would have had and enjoyed if the said recited Acts had not been repealed; this Act, or any thing herein contained, to the contrary notwithstanding.

Persons, &c. owing Debts under former Acts to be liable under this Act.

IX. And be it further enacted, That all Persons, and Bodies Politic or Corporate, who at the Time of the passing of this Act are or shall be liable to the Payment of any Water Rents or Rent, or Arrears of Rent, or any other Sum or Sums of Money, to the aforesaid Company incorporated by the first herein-before recited Act shall, notwithstanding the Repeal of the said recited Acts, be liable to the Payment thereof in like Manner as if the said Acts had not been repealed, and the same shall be paid, with all Interest due and to accrue due thereon, to the said Company hereby established.

Property of the Company to be liable to Debts under former Acts.

X. And be it further enacted, That all and every the Property and Effects of the said Company hereby established, and all Monies which shall be by them taken or received under the Authority of this Act, shall be and are hereby made subject and liable for the Payment and Discharge of all Debts and Monies which at the Time of the passing of this Act are or shall be due and owing by the aforesaid Company incorporated by the first herein-before recited Act to any Person or Persons, or Body or Bodies Politic or Corporate, and all such Debts and Monies shall be recoverable and may be recovered under the Authority of this Act.

Books, &c. of the former Company may continue to be received as Evidence, notwithstanding the Repeal of the recited Acts.

XI. And be it further enacted, That all Books containing the Accounts of the aforesaid Company incorporated by the first herein-before recited Act, the Registers of Shares and of Transfers of Shares in the Capital or Joint Stock of the aforesaid Company, the Proceedings of the General Assemblies and of the Committees of the aforesaid Company, and all other Documents and Books of the aforesaid Company kept for the Purposes of the said recited Acts hereby repealed, and made Evidence thereby, or which might have been received as Evidence at the Time of the passing of this Act, shall, notwithstanding the Repeal of the said recited Acts, be admitted Evidence in all Courts of Law and Equity.

XII. And

Present Officers to continue until removed under this Act.

XII. And be it further enacted, That each Clerk, Agent, Collector, and other Officer appointed by virtue of or acting under the Authority of the said Acts so repealed as aforesaid, or any of them, and not acting contrary to the Provisions and Directions in this Act contained, except the Treasurer, shall hold and enjoy his Office, together with the Salary or Emolument thereunto annexed, until he shall be removed therefrom by the said Company hereby established, or by virtue of any of the Provisions of this Act; and each such Clerk, Agent, Collector, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Vesting all existing Works, &c. in the Company.

XIII. And be it further enacted, That all and every the aforesaid Reservoir called *Jepheys* or the *Lower Reservoir*, and the Land contracted for, taken, and held as aforesaid for making the same, and all Buildings and Erections thereon, and the aforesaid Aqueduct or Drain made as aforesaid for conveying the Water of the aforesaid Spring or Well called *Noon Sun Well* or *Noon Sun Spring* into the said Lower Reservoir; and the aforesaid Reservoir called the *Buckley Wood* or *Higher Reservoir*, and the Land contracted for, taken, and held as aforesaid for making the same, and all Buildings and Erections thereon; and also the Aqueduct or Drain for conveying the Water called the *Syke Brook* from or from near the Place called the *Syke*, now forming a Feeder to such Reservoir; and also the aforesaid Aqueduct or Feeder made as aforesaid for conveying the surplus Water of the aforesaid Spring or Stream called *Fanny Brook* or *Fanny Stream* into such Higher Reservoir; and also the aforesaid Aqueduct or Conduit made from the Upper Reservoir through the Lands aforesaid into the said Lower Reservoir; and also the aforesaid Two Reservoirs, and the Trunks, Pipes, and Waterworks belonging thereto, in the Townships of *Castleton*, *Wardleworth*, and *Spotland*, or some of them aforesaid, and all the aforesaid Right and Interest of the aforesaid *Ralph Taylor* of and in certain Springs of Water arising in the aforesaid Lands called *Leylands Brow* in the Township of *Castleton* aforesaid; and also the aforesaid Reservoir now making adjoining to the said Higher Reservoir, and the Land contracted for, taken, and held as aforesaid for making the same, and all Buildings, Erections, and Works thereon; and also all Aqueducts, Conduits, Tunnels, Culverts, Mains, Pipes, Roads, Bridges, Embankments, Feeders, Buildings, Tenements, Engines, Soughs, Weirs, Gauges, and other Works made, laid down, placed, erected, or provided by or at the Expence of the aforesaid Company incorporated by the first hereinbefore recited Act, under or by virtue or in the Execution of the Powers or Authorities of the said recited Acts, or either of them, so repealed as aforesaid; and also all and every the Lands and Hereditaments now belonging to the aforesaid Company, and all and every the Rights and Right to the Use of the Water of any Spring, Stream, or Brook, and all prescriptive and other Rights, Claims, Easements, and Privileges which immediately previous to the passing of this Act were vested in or belonged to or were enjoyed by the aforesaid Company,

pany, or which were vested in any Person or Persons in Trust for them, or for the Purposes of the said recited Acts or either of them, shall be and continue as effectually vested, and the same and every of them are and is hereby as effectually vested, in the said Company hereby established, their Successors and Assigns, as the same respectively would have continued vested in the aforesaid Company incorporated by the first herein-before recited Act if the said recited Acts had not been repealed.

Personal Estate of the former Company vested in the Company hereby established.

XIV. And be it further enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, Effects, Bonds, Deeds, Books, Writings, Maps, Plans, and Personal Estate of the aforesaid Company incorporated by the first herein-before recited Act shall be and the same are hereby vested in the said Company hereby established; and all Persons, and Bodies Politic and Corporate, who at the Time of the passing of this Act shall owe any Sum of Money to the aforesaid Company incorporated by the said first herein-before recited Act, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the said Company hereby established; and all Rents which at the Time of the passing of this Act are due and payable or accruing due under or by virtue of the said Acts so repealed, or either of them, to the aforesaid Company incorporated by the first herein-before recited Act, shall become and be due and payable to the said Company hereby established, and shall and may be collected and recovered by the same Ways and Means, and under the same Restrictions and Regulations, and with the same Penalties in respect thereof, as the Rents by this Act made payable to the said Company hereby established; and all Contracts, Agreements, Bonds, Covenants, and Securities made or entered into before the passing of this Act, to, with, in favour of, or by or for the aforesaid Company incorporated by the said first-recited Act hereby repealed, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to the said Company hereby established, and may be proceeded on and enforced in the same Manner to all Intents and Purposes as if the said Company hereby established had been Parties to the same, or had been named or referred to therein instead of the aforesaid Company incorporated by the first herein-before recited Act hereby repealed.

Liabilities continued.

Company hereby established authorized to maintain the Works already made.

XV. And be it further enacted, That it shall be lawful for the said Company hereby established, and they are hereby authorized and empowered, in such Manner only as the aforesaid Company incorporated by the said first-recited Act might lawfully have done if the said recited Acts had not been repealed, from Time to Time and at all Times hereafter, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to maintain and support, and alter, complete, and improve, the several Reservoirs, Aqueducts, Waterworks, Conduits, Tunnels, Culverts, Bridges, Embankments, Feeders, Drains, Soughs, Weirs, Gauges, Roads, Engines, Mains, Pipes, and other Works lawfully made, constructed, commenced, laid down, placed, possessed, or provided by the aforesaid Company incorporated by the first herein-before recited Act, under or by virtue of the Powers or Provisions of the said recited Acts so repealed as aforesaid,

or either of them, together with the several Erections, Buildings, Tenements, and Works belonging thereto, and to alter and straighten the Line or Course of any Aqueducts already laid down or placed or used for the Purposes of the said recited Acts hereby repealed, and from Time to Time to make, construct, erect, and provide, on Lands now belonging to the aforesaid Company incorporated by the first herein-before recited Act, and by this Act vested in the Company hereby established, and upon or in any Lands, Tenements, and Hereditaments which the said Company hereby established may hereafter purchase or acquire, by Consent of the Owners thereof, all such and so many other Aqueducts, Waterworks, Conduits, Tunnels, Culverts, Bridges, Embankments, Feeders, Drains, Soughs, Weirs, Gauges, Roads, Engines, and other Works as the said Company hereby established shall think expedient for maintaining, repairing, improving, and supporting such said several Reservoirs, Aqueducts, and other Works aforesaid, and for the full Use and Enjoyment thereof, and for supplying the same with Water, or which might have been lawfully made, constructed, erected, or provided by the aforesaid Company on Lands purchased with such Consent as aforesaid, in case the said recited Acts had not been repealed; and it shall be lawful for the said Company hereby established, in such Manner and to such Extent only as the aforesaid Company might have done under or by virtue of the said recited Acts, or either of them, in case the same had not been repealed, to take and use, and to supply the said Reservoirs, Aqueducts, Mains, and Pipes, and every of them, with Water from all and every the Springs, Streams, Watercourses, and Feeders from which the said Reservoirs, Aqueducts, Mains, and Pipes, or any of them, are now supplied, or which at the Time of the passing of this Act might be taken and used by virtue of the Powers or Provisions of the said Acts so repealed as aforesaid, or either of them, or of any Contract or Agreement entered into for that Purpose.

Company empowered to continue to take the Noon Sun Well, &c. and execute the Powers of the former Acts respecting the same.

XVI. And be it further enacted, That it shall be lawful for the said Company hereby established, by themselves, their Managers, Servants, Workmen, and Assistants, 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 or Wells as were vested in the aforesaid Company incorporated by the first herein-before recited Act, and now vested in the Company hereby established, and such other Springs or Streams the Right to use which shall be acquired, under the Powers and Provisions of this Act, by the said Company hereby established, and to take and 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 Purposes of this Act, it shall be lawful for the said Company, 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

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 herein-before mentioned, as shall be deemed necessary by the said Company; and to supply such Cisterns, Wells, and Reservoirs, Pipes, Drains, Conduits, and Aqueducts, and other Works, whilst laying and making, altering or repairing, and when laid and completed, altered or repaired, with a sufficient Quantity of Water from the aforesaid Springs or Streams, or any of them, for the Purposes aforesaid; and from Time to Time to set and place such Posts, Stones, or other permanent Marks as the said Company may deem necessary for ascertaining and finding out the Line and Situation of the said Pipes, Drains, Conduits, and Aqueducts underground; and for better effectuating the Purposes aforesaid, from Time to Time, and as often as may be necessary, to enter into and upon the Lands or Grounds where the 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 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*, from the aforesaid Spring or Springs or Streams, and to resort, pass, and repass to and from the aforesaid Works, and carry and convey Materials and other Things to and from the same, from Time to Time as often as shall be necessary for the Purposes aforesaid, they the said Company, their Managers, Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted.

LandOwners, &c. supplied with Water, as accustomed.

XVII. 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* had been used to flow from using the Water of the said Spring or Well in such Manner and for such Purposes as they had by Law been before the passing of the said first-recited Act 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 hereby established, without requiring any Compensation for the Use thereof from such Persons as aforesaid.

Company empowered to continue to use the surplus

XVIII. And be it further enacted, That it shall be lawful for the said Company hereby established, by themselves, their Managers, Servants, Workmen, and Assistants, to take and use the surplus Water of the aforesaid Spring or Brook called *Fanny Brook* or *Fanny*

Stream, at or near the aforesaid Place called *Mundas Bridge*, which exceeds a Gauge fixed up and erected upon the said Spring or Stream pursuant to the Directions of the said secondly-recited Act hereby repealed, and which said Gauge is so placed that the Water is above the Level of any Reservoir to be supplied with such surplus Water, and the Opening thereof is Eleven Inches and Three Eighth Parts of an Inch in Width, and Five Sixteenth Parts of an Inch in Depth; and for that Purpose it shall be lawful for the said Company to cut into the Banks and Sides of the said Spring or Stream, and dam up the same, and divert such surplus Water thereof as aforesaid, and make and construct such Aqueducts, Feeders, Conduits, Mains, and Pipes underground, and such other Conveniences aboveground, for conveying the surplus Water of the said Spring or Stream, or so much thereof as may be deemed necessary by the said Company, to supply the Reservoirs of the said Company, and also to make all such Aqueducts, Feeders, Conduits, Mains, and Pipes as may be necessary for the Purpose of supplying the Reservoirs of the said Company, and also for the more effectual supplying the said Town and all Parts thereof and Neighbourhood with Water, and from Time to Time to cleanse out, scour, and clean all such Aqueducts, Feeders, Conduits, Mains, or Pipes, and to repair, alter, or amend, and improve any of such Dams, Works, Aqueducts, Feeders, Conduits, Mains, or Pipes aforesaid, and for that Purpose to cut or open such Parts of the Lands through which the said Spring or Stream, Aqueducts, Feeders, Conduits, Mains, and Pipes, shall run, or through or upon which any such Works, Dams, Aqueducts, Feeders, Conduits, Pipes, or other necessary Works shall have been carried under the Provisions of the said Acts, or may be carried under the Provisions of this Act, as may be required by the said Company for the more effectually carrying the same into execution, and to resort, pass, and repass, and carry and convey Materials and other Things, to and from the same, from Time to Time as Occasion shall require, doing as little Damage as may be therein, and covering the Surface of the Ground with Soil so as to restore the Surface of the Land to its former Situation and Appearance, and making all proper Satisfaction to all Persons injured or interested.

Water of Fanny Brook.

XIX. Provided always, and be it further enacted, That the Repeal of the said secondly-recited Act shall not extend or be construed to extend to annul or make void any Determination, Rules, Orders, and Directions made and established by any Engineers appointed under the Authority of the same Act for ascertaining and determining where a Gauge shall be placed upon the said Spring or Stream, and the Nature, Construction, Dimensions, and Level of such Gauge, or the Means of guarding and protecting the same, but such Determination, Rules, Orders, and Directions shall remain, continue, and be as valid and of the same Force and Effect as the same is at the Time of the passing of this Act, notwithstanding the Repeal of the said secondly-recited Act.

Determination and Rules made under former Act as to the Gauge to remain in force;

XX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize and empower the said Company hereby established to take or use, or suffer to be taken or used, any Part of the said Spring or Stream called

Company not to take more than the surplus Water.

called *Fanny Brook* or *Fanny Stream*, except the surplus Water thereof which shall exceed the aforesaid Gauge so fixed up and erected as aforesaid.

Company empowered to agree for the Purchase of Lands where Water may be obtained, and of Springs.

XXI. And be it further enacted, That it shall be lawful for the said Company hereby established 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 Grounds, as may enable the said Company 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 to have and enjoy the Use and Benefit of any such Springs and Streams, for the Purpose of increasing the Supply of Water for the Benefit of the said Town and Neighbourhood, and Improvement of the said Waterworks for the Purposes of this Act: 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 in Writing for that Purpose had and obtained.

Waste Water to be turned off as has been usual.

XXII. Provided also, and be it further enacted, That the said Company hereby established 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 Purposes of this Act, and so that the same may run and pass in the same Course as has been usual, or as near thereto as may be.

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

XXIII. 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 hereby established to enter into or take any Spring or Springs, Lands or Grounds, belonging to *John Fildes* of *Quarry Hill* in the Parish of *Rochdale*, Esquire, nor any Spring or Springs, Lands or Grounds, arising in or belonging to the Glebe of the Vicarage of *Rochdale*, (save and except a Spring or Springs in *Leyland's Brow*, and the Waterworks 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 *John Fildes*, his Heirs and Assigns, or of the Vicar for the Time being of the Vicarage and Parish Church of *Rochdale*, for that Purpose first had and obtained.

Persons enabled to convey, &c.

XXIV. And be it further enacted, That 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,

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 necessary or convenient for the Purposes of this Act, to treat, contract, and agree with the Company hereby established, or their Committee for the Time being, for the Sale, Conveyance, or Demise of 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 for the Satisfaction and Compensation or Rent to be paid for the same, and to sell, demise, lease, surrender, grant, and convey the same unto the said Company, 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 or on behalf of the said Company, 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, 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 or Receipts of such Lord or Lords, Lady or Ladies, or his or their Steward or Stewards, or his or their Deputy or Deputies as aforesaid, for the Purchase Money or Satisfaction or other Compensation to be made in respect thereof, shall be good and sufficient Discharges to the said Company.

Prescribing Form of Conveyance.

XXV. And be it further enacted, That all Conveyances or Assurances of any Lands to be made to the said Company hereby established may be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (namely,)

'I [*or* We, *as the Case may be*] of in consideration of the Sum of to me [*or* us, *or* into the Bank of *England*,] paid, [*or otherwise, setting forth the Consideration agreed upon, as the Case may be*,] do hereby convey [absolutely, *or*

'*for any Term of Years, as the Case may be, or (in Cases of Copyhold* '*or Customary Lands requiring Surrender*) do hereby agree to sur-' render,] to "The Company of Proprietors of the *Rochdale* Water-' works," incorporated by an Act passed in the Second Year of the ' Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the* ' *Title of this Act*], 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, their ' Successors and Assigns, for ever, [*or* for the Term of Years; ' *as the Case may be*,] according to the true Intent and Meaning of ' the said Act. In witness whereof I [*or* we] have set my Hand and ' Seal [*or* our Hands and Seals] this Day of in ' the Year of our Lord One thousand eight hundred and .'

And all such Conveyances and Assurances shall, without Enrolment, be valid and effectual, and shall operate to merge all satisfied Terms of Years attendant by express Declaration or by Construction of Law, or the Estate or Interest so thereby conveyed or aliened, and to convey, bar, and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of, in, or out of, or dependent on the same; but although such Terms shall be merged they shall in Equity afford the same or the like Protection or Priority as if they were assigned and kept on foot in Trust for the said Company, and to attend the Reversion and Inheritance, any Law, Statute, or Usage, or other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all such Conveyances and Assurances shall be made at the Expence of and kept by the said Company; and their Clerk or Clerks shall from Time to Time, when requested, deliver attested Copies thereof to any Person 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, in addition to the Costs of the Stamps and Paper.

Receipt of Treasurer of Company, upon Payment of Money for Land sold, to be a sufficient Discharge.

XXVI. Provided always, and be it further enacted, That upon Payment of the Purchase Money by any Person, on the Sale of any Lands by the said Company hereby established, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give a Receipt for such Purchase Money, which Receipt shall in every Case be a sufficient Discharge to any Person for the Purchase Money for such Lands, or any Part or Parcel thereof, which shall be sold, or for so much thereof as in such Receipt shall be expressed to be received, and such Person shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

Limiting the Joint Stock of the Company.

XXVII. And be it further enacted, That from and after the passing of this Act it shall be lawful for the Company of Proprietors of the *Rochdale* Waterworks hereby established to have and hold one Capital or Joint Stock of the Amount herein-after mentioned, reckoning the present Shares in the Undertaking at Eighty-four Pounds each; and it shall and may be lawful for the said Company to

to raise and contribute, amongst themselves, or by the Admission of new Subscribers, any Sum or Sums of Money not exceeding in the whole the Sum of Eight thousand three hundred and sixteen Pounds, in addition to the aforesaid Sum of Twelve thousand six hundred and eighty-four Pounds so subscribed and contributed on account of the aforesaid present Shares, and such additional Sum or Sums of Money so to be raised shall also be divided into Shares of Eighty-four Pounds each; and the aforesaid present Shares estimated at Eighty-four Pounds each, and the new Shares to be subscribed or raised under this Act, shall form and be one and the same Joint Stock or Fund of the said Company (such Joint Stock or Fund not exceeding at any Time in the whole the Sum of Twenty-one thousand Pounds, except so far as the same may be from Time to Time increased under the Provisions herein-after contained,) for carrying on the Undertaking of the said Company for supplying the several Townships, Hamlets, and Places aforesaid, and the Inhabitants thereof respectively, with Water; and such Capital or Joint Stock shall be vested in the said Company, and all and every the Persons, Bodies Politic, Corporate, and Collegiate, and Parties whomsoever, their several and respective Successors, Executors, Administrators, and Assigns, who have heretofore subscribed, contributed, or paid, or who shall hereafter subscribe, for One or more Share or Shares in the said Undertaking, and who shall pay such Sum or Sums of Money as shall be called for or demanded in respect of such Share or Shares respectively under and by virtue of this Act, shall (whether such Share or Shares, or any or either of them, shall be original Shares, or new or additional Shares,) be respectively entitled to and receive the entire and net Distribution of an equal and proportionate Part of the Profits or Advantages that shall or may arise or accrue from the said Undertaking, subject to the Provisions of this Act respecting Nonpayment of Calls or Contributions in respect of Shares in the said Undertaking, and the Forfeiture of Right or Claim to such Profits or Advantages on the Nonobservance or on the Noncompliance with the Regulations authorized by this Act in respect thereof, the Holders or Holder of such new or additional Shares respectively nevertheless receiving (until the whole of the Subscription on each Share shall be paid up) such Part only of the Dividend as shall be proportionate to the Amount actually paid up on each such Share at the Time of making any such Dividend, and computing such Proportion from the Time when such Amount was actually paid up; and all Persons whomsoever who shall subscribe for, hold, or be entitled to any such new Share or Shares shall be subject to the Provisions and Regulations of this Act; and it shall not be lawful for any Person whomsoever to hold more than Twenty Shares (unless the same shall come to him, her, or them by Will, Bequest, Descent, Right of Administration, or Marriage,) in the said Undertaking, any thing in this Act contained to the contrary notwithstanding.

Shares to be deemed Personal Estate.

XXVIII. Provided always, and be it further enacted, That all Shares in the said Undertaking, and in the Profits and Advantages thereof, shall be deemed Personal Estate, and not of the Nature of Real Property, and shall be transmissible accordingly.

XXIX. And

Company's Property answerable for their Debts.

XXIX. And be it further enacted, That the Lands, Tenements, and Hereditaments, of what Tenure soever, Manufactories, Machinery, Apparatus, and Works, Chattels and Effects, of the said Company hereby established, shall be answerable for and subject to the just Debts, Liabilities, Engagements, and Demands of all and every the Creditors of the said Company.

Proprietors liable to the Debts of the Company in proportion to their Share of the Stock.

XXX. And be it further enacted, That the several Persons composing the said Company hereby established shall severally and respectively stand personally responsible and answerable for all just Debts of the said Company, and to and for all just Demands of the Creditors of the said Company, and for the due Performance of all Contracts of the said Company, and for the due Performance of all Contracts and Engagements entered into by the Committee of the said Company on behalf of the said Company, and for all Damages occasioned by the Execution of this Act, to the full Amount of their several and respective Shares in the said Capital or Joint Stock, but not further or otherwise: Provided always, that whenever Two or more Persons shall have jointly subscribed for or shall be jointly possessed of One or more Share or Shares in the said Undertaking, such Persons shall severally and respectively be answerable for the said Debts and Demands of the Creditors of the said Company, and other the Contracts and the Engagements aforesaid, to the full Amount of such Share or Shares, but not further or otherwise.

Execution may be issued against any Holder of a Share.

XXXI. And be it further enacted, That in case any Execution upon any Judgment or Decree in any Action, Suit, or other Proceeding obtained against the said Company hereby established, whether as Plaintiff or as Defendant or Respondent, shall be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, upon the Application of the Party or Parties who shall have obtained such Judgment or Decree against the said Company, to issue Execution against any Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the Capital or Joint Stock of the said Company upon which the whole Subscription shall not have been contributed or paid up: Provided always, that in case such last-mentioned Execution against such Proprietor or Proprietors shall also be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the said Court, upon Motion to be made in open Court, on Notice to the Person or Persons sought to be charged, to issue Execution against any other Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Capital or Joint Stock of the said Company upon which the whole Subscription shall not have been contributed or paid up: Provided also, that the Sum which shall be recovered from the Proprietor of any such Share or Shares shall not in any Case exceed the Sum or Sums remaining due upon the Share or Shares of which such Proprietor shall be possessed, and for the Payment of which Sum or Sums such Proprietor would have been liable if called for by the Committee of

No larger Sum to be recovered than the Amount remaining unpaid on any Share.

the said Company: Provided also, that the Sum recovered from any such Proprietor shall be considered as so much Money advanced to and for the Use of the said Company, and it shall be lawful for the Committee of the said Company to make Calls in respect of any Share belonging to such Proprietor for such Sum of Money only as, together with the Sums already paid thereon, and the Sum recovered from such Proprietor in respect thereof, shall amount to the Sum of Eighty-four Pounds for each such Share: Provided also, that for the Purpose of ascertaining the Proprietor of the said Shares, it shall be lawful for any Judgment Creditor, or Creditor by Decree, at all reasonable Times, to inspect the Book containing the List of Proprietors of Shares in the Capital or Joint Stock of the said Company, without Fee or Reward.

Proprietors not to be liable for more than their Subscription.

XXXII. Provided always, and be it further enacted, That no Person, being a Proprietor of any Share or Shares in the Capital or Joint Stock of the said Company hereby established, or his Estate or Effects, shall, by reason of his being such Proprietor, be responsible or liable for or to any larger or greater Sum of Money for any of the Purposes of this Act, or in consequence of any Proceedings to be had under or by virtue of the same, than the Amount of the Sum by him subscribed for or to be subscribed for, or than was or had been subscribed for by any original Proprietor of the Shares constituting any such Proprietorship, reckoning the present Shares at Eighty-four Pounds each, any thing in this Act contained to the contrary thereof notwithstanding.

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

XXXIII. And be it further enacted, That the several Shares in the said Capital or Joint Stock of the said Company hereby established shall be numbered, beginning with Number One, and proceeding in ascending Numbers in regular or arithmetical Progression, whereof the common Excess or Difference shall always be One; and the said Company or their Committee shall and they are hereby required to cause the Names and proper Additions of the several Persons who are at present and shall be hereafter Holder or Holders of any Share or Shares in the said Undertaking, and also the proper Number by which any Share shall be distinguished, to be fairly and distinctly entered or registered in a Book to be kept by the Clerk or Clerks to the said Company, and after such Entry or Registry made to cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Person, on Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking; and such Ticket or Instrument, and also any new Ticket or Instrument to be made out in case the original Certificate shall be destroyed or lost as herein-after mentioned, shall be admitted in all Courts whatsoever as Evidence of the Title of such Holder, his or their Executors, Administrators, Successors, and Assigns, to the Share or Shares therein specified; for which said Tickets or Instruments respectively the Clerk or Clerks of the said Company shall be paid by the Person requiring it the Sum of Two Shillings and Sixpence each, and no more; 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 following; (that is to say,)

Form of Certificate.

'*Rochdale* Waterworks Company.

'Number .

'THESE are to certify, That *A. B.* of is a
'Proprietor of the Share [*or* Shares, *as the Case may be*,]
'Number , being One Share [*or* Number
'being Shares, *as the Case may be*,] of the Capital or
'Joint Stock of the Company of Proprietors of the *Rochdale* Water-
'works, 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 .'

New Tickets to be given if Originals destroyed or lost.

XXXIV. And be it further enacted, That in case any such Certificate belonging to any Holder of any Share in the Capital or Joint Stock of the said Company hereby established shall have been destroyed or lost, it shall be lawful for the said Company or their Committee, on the Application of the Proprietor of such Share, to cause a new Ticket or Instrument to be made out, under their Common Seal as aforesaid, and specifying therein that the same is a Substitute for the original Certificate destroyed or lost, as the Case may be.

Shares may be transferred.

XXXV. And be it further enacted, That it shall be lawful for the several Holders of any Share or Shares in the said Undertaking, their Executors, Administrators, Successors, and 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
'Capital or Joint Stock of the Company of Proprietors of the *Roch-*
'*dale* Waterworks, 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, that I [*or*
'we] held the same Share [*or* Shares] immediately before the Exe-
'cution 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 and left with the Clerk or Clerks of the said Company hereby established, and shall be registered by him or them in the Books of the said Company, for which Registry the Sum of Two Shillings and Sixpence shall be paid

by the Person so requiring such Registry to such Clerk or Clerks, 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 Transfer, signed by the said Clerk or Clerks, 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 or Shares, his 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 Proprietor or Proprietors of the said Undertaking, in respect of such Share or Shares, until after such Transfer shall have been registered.

Power to raise Money by Mortgage.

XXXVI. Provided always, and be it further enacted, That in case the said Company hereby established shall be desirous of raising any Sum of Money which may be necessary for the Purposes of this Act by Mortgage of the said Undertaking, it shall be lawful for the said Company, at any Time or Times after One Half of the aforesaid Capital Sum of Twenty-one thousand Pounds shall have been paid up, to borrow and take up at Interest such Sum or Sums for the Use of the said Company as they shall think proper, not exceeding in the whole (including the Sum of Two thousand Pounds now due on Mortgage as aforesaid) the Sum of Seven thousand Pounds, and either in One Sum or in several Sums, on the Credit of the said Undertaking, and the Buildings, Lands, and Tenements thereof, and the Rents and Profits, or any Part thereof, arising or to arise to the said Company by virtue of this Act, and thereupon, by Writing under their Common Seal, to grant, mortgage, or assign or convey all or any Part of the Property and Effects of the said Company to such Person or Persons as shall lend or advance any such Money, or to his, her, or their Trustee or Trustees, Assignee or Assignees, as a Security for the Principal Money to be advanced, together with Interest for the same, as to them shall seem meet; and the Charges and Expences of every Grant, Mortgage, or Assignment or Conveyance to be made in pursuance of this Act shall be from Time to Time defrayed by the said Company out of the Money so borrowed; and every such Grant, Mortgage, or Assignment or Conveyance shall be made by Deed duly stamped, in which the Consideration shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'WE, the Company of Proprietors of the *Rochdale* Waterworks, acting in pursuance of an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act*], in consideration of the Sum of advanced and lent to the said Company by of of in the County of for the Purposes of the Undertaking of the said Company, do hereby grant and assign unto the said [*or* his *or* her *or* their Trustee or Trustees,

'Trustees, *as the Case may be,*] his [*or* her *or* their] Executors, 'Administrators, and Assigns, such Proportion of the Property and 'Effects belonging to the said Company, and of the Rents and 'Profits thereof, as the said Sum of doth 'or shall bear to the whole Sum which may at any Time be bor- 'rowed on Mortgage of the said Undertaking by the said Company, 'to be had and holden from the Day of the Date hereof until the 'said Sum of with Interest after the Rate 'of *per Centum per Annum* for the same, shall be 'fully paid and satisfied. In witness whereof we the said Com- 'pany have hereunto set our Common Seal the Day of 'in the Year of our Lord One thousand eight 'hundred and .'

And every such Security or Mortgage shall be good, valid, and effectual in the Law, and shall be entered in the Books of the Company as herein-after mentioned.

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

XXXVII. And be it further enacted, That a Transcript or Copy of every Grant or Assignment made in pursuance of this Act, and of all Securities or Mortgages made before the passing of this Act as aforesaid, 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 or Clerks to the said Company hereby established, which Book or Books shall be perused at all reasonable Times by any of the Proprietors of the said Undertaking, without Fee or Reward.

Power of transferring Mortgages in a prescribed Form.

XXXVIII. And be it further enacted, That it shall be lawful for the several and respective Persons entitled to any of such Mortgages or Assignments made in pursuance of this Act, or made before the passing of this Act as aforesaid, and their respective Executors, Administrators, and Assigns, (as the Case may be,) at any Time, by Writing under their respective Hands and Seals, to transfer and assign the same to any Person or Persons whomsoever; and every such Transfer and Assignment shall be made by Deed duly stamped, in which the Consideration shall be truly stated, and may be 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 thereto; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.* [*or*, We *C.* and *D.*], being entitled to the Sum of 'under or by virtue of a Mortgage or Assignment bearing Date 'the Day of under the Common 'Seal of the Company of Proprietors of the *Rochdale* Waterworks, 'and in consideration of the Sum of paid 'by of in the County 'of to me [*or* us] at or before the Execution 'of this Deed, do hereby assign and transfer all my Right and 'Interest in and to the said Sum of and to 'the Property and Effects, Rents and Profits, assigned to me for 'securing the same unto the said his [*or* her] 'Executors,

'Executors, Administrators, or Assigns. Witness my Hand and Seal
'[*or* our Hands and Seals, *or* our Common Seal,] the
'Day of in the Year of our Lord One thousand
'eight hundred and .'

And every such Transfer shall be produced to the Clerk or Clerks to the said Company hereby established, who shall cause a Transcript or Copy thereof, or an Entry or Memorial thereof, specifying and containing the Date, Names of the Parties, and Sums of Money thereby transferred, to be made in the Books of the Company; and for the entering of every Grant, Mortgage, Security, or Assignment made in pursuance of this Act, or made before the passing of this Act as aforesaid, and of every such Transfer, the said Clerk or Clerks shall be paid by the Person or Persons to whom such Grant, Mortgage, Security, Assignment, or Transfer shall be made the Sum of Five Shillings, and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the full Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof; and the Costs of preparing all Mortgages made in pursuance of this Act, and of all Transfers of Mortgages made at the Request of the said Company, shall be paid by the said Company, except as herein-before otherwise provided.

No Priority of Mortgages

XXXIX. And be it further enacted, That all Persons to whom any Mortgage or Assignment shall be made in pursuance of this Act in respect of any Money to be raised after the passing of this Act shall be equally entitled one with the other to the Property and Effects of the said Company hereby established, and the Profits and Advantages thereof so assigned, in proportion and according to the respective Sums in such Securities mentioned to be advanced, without any Preference by reason of the Priority of any such Assignment, or on any other Account, and it shall not be lawful for any Person or Persons who shall have made any Transfer to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

In case Mortgages are paid off, the Company may raise the Amount again.

XL. And be it further enacted, That in case the said Company hereby established shall raise the Whole or any Part of the additional Sum of Money herein-before authorized to be raised, by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part thereof, or shall at any Time pay off the aforesaid Sum of Two thousand Pounds, or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any event borrow more in the whole than such Amount as is by this Act limited.

Creditors not to vote.

XLI. Provided always, and be it further enacted, That no Person who shall be Holder of any Mortgage or Assignment of the Property and Effects of the said Company hereby established, or of any Transfer of any such Mortgage or Assignment, shall be deemed a Proprietor of any Share, or be capable of acting or voting as such at any Meeting of the said Company, for or on account of any Money having been advanced on such Mortgage or Assignment.

Power to create new Shares.

XLII. And be it further enacted, That in case the said Company hereby established, at any General or Special Meeting, instead of borrowing any such Sum or Sums as aforesaid by way of Mortgage, shall think it advisable to raise the same, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said Sum of Seven thousand Pounds by way of Mortgage, and to raise the Remainder thereof, or any Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company, by issuing new Shares, to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Money which may remain due on Mortgage by the said Company, and with such Sum or Sums of Money, if any, as may be borrowed and continued at Interest by way of Mortgage as aforesaid, shall not exceed such further or additional Sum of Seven thousand Pounds hereby authorized to be raised or continued on Mortgage as aforesaid; and all such further and additional Capital Stock (not exceeding such additional or further Sum of Seven thousand Pounds) as shall be so raised, shall be considered as Part of the Capital or Joint Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital or Joint Stock of the said Company, except as to the Times of making Calls for the said additional Capital or Joint Stock, and the Amount of such Calls, which Times and the Amount of such Calls respectively shall from Time to Time be appointed by the said Company or their Committee: Provided aways, that all other the Regulations, Provisions, and Authorities in this Act contained in relation to the Calls for the Capital or Joint Stock of the said Company, and to the Recovery thereof, or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum or Sums hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital or Joint Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

For enforcing Payment of Subscriptions.

XLIII. 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 have or hold any Share or Shares in the Capital or Joint Stock of the said Company hereby established

established, 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 for, and in such Parts and Proportions as shall from Time to Time be called for by the said Company or their Committee, pursuant to the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Company or their Committee; and in case any Person 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 or their Committee, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise in any of Her 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 of 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.

Company to make Calls on Subscribers.

XLIV. And be it further enacted, That the said Company hereby established, or their Committee for the Time being, 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 Holders of Shares therein, or their respective Executors, Administrators, Successors, or Assigns, for the Amount of the Subscriptions for their respective Shares, and all or any Part or Parts of any Monies which the several and respective Holders of any Share or Shares in the said Undertaking are or shall be liable to pay or contribute under the Powers or Provisions of this Act for any of the Purposes thereof, by Instalments, as the said Company or Committee shall deem requisite or necessary for the Purposes of the said Undertaking; not exceeding Twelve Pounds upon each Share at any one Call, and that no Calls shall be made but at the Interval of Two Calendar Months from each other; and that 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 or their Committee, of which Time and Place Fourteen Days Notice in Writing shall be given by the Clerk of the said Company, which Notice may be sent by the Post, or in such Manner and Form as the said Company or their Committee shall direct and appoint in that Behalf.

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

XLV. And be it further enacted, That no Person shall sell or transfer any Share which he shall possess in the said Undertaking after any Call shall have been made by the said Company hereby established, or their Committee, for any Sum of Money in respect of such Share, unless at the Time of such Sale or Transfer he shall have paid the full Sum of Money which shall have been called for in respect of such Share so to be sold or transferred.

XLVI. And

Shares to be forfeited on Nonpayment of Calls.

XLVI. And be it further enacted, That if any Subscriber or Holder of any Share or Shares in the said Undertaking, his, her, or their Executors, Administrators, Successors, or Assigns, shall refuse or neglect to pay any Sum or Sums of Money which shall be called for or demanded in respect of any such Share or Shares respectively under and by virtue of this Act, for the Space of One Calendar Month next after the Time appointed for Payment thereof, with lawful Interest for the same from such appointed Time of Payment, then and in every such Case such Person or Persons so refusing or neglecting shall (whether the same shall have been sued for in any Court of Law or Equity or not) absolutely forfeit all his, her, or their Share or Shares in the said Undertaking and Capital or Joint Stock, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, unless otherwise determined by a Special General Meeting; and all Shares which shall be so forfeited shall be vested in the said Company hereby established, and be sold at a public Sale to the highest Bidder for the same, and the Produce thereof shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of any such Forfeiture until after Fourteen Days Notice in Writing shall have been given by the Chairman of the Committee of Management of the said Company, or by the Clerk or Clerks of the said Company, to the Proprietor or Proprietors thereof, or left at his, her, or their last or usual Place of Abode, if he, she, or they reside within the Limits of this Act, and if not, then by Letter sent by Post, nor unless the same Share or Shares shall be declared forfeited at some General Meeting or Special General Meeting of the Company held not sooner than One Calendar Month next after the Day on which Notice of such Forfeiture shall have been given as aforesaid; and every such Forfeiture when so declared shall be an absolute Indemnification and Discharge to and for the Proprietor who shall have incurred such Forfeiture, and his, her, or their Executors, Administrators, Successors, and Assigns, against all Actions, Suits, and Proceedings whatsoever, at Law or in Equity, for any Breach of Contract between such Proprietor so forfeiting and the said Company, for or on account of not paying such Call or Calls, or in regard to the future prosecuting of the said Undertaking; and every Share so sold shall be transferred to the Purchaser or Purchasers thereof by the said Company or Committee of Management, under the Common Seal of the said Company, and the Name or Names of the Purchaser or Purchasers shall be registered in the Books of the Company, and such Purchaser and Purchasers shall be subject to all the same Liabilities as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking, and to all the Rules and Directions of this Act, and thereupon the Proprietor or Proprietors of such Shares so sold and transferred shall be and be deemed a Proprietor or Proprietors of the said Undertaking to all Intents and Purposes whatsoever, and shall be entitled to all the same Privileges and Advantages as if he, she, or they had been a Subscriber or Subscribers to the said Undertaking.

Forfeited Shares may be sold.

Notice to be given previous to Forfeiture.

If the Purchase Money for such

XLVII. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares as aforesaid shall be

be more than sufficient to pay all Arrears of Calls as aforesaid and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company hereby established, or the Committee of Management, 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 Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences attending the same, any Share or Shares so vested in the same Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Shares 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.

XLVIII. And whereas by the Death of or by other Events happening to Proprietors, or by Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom such Shares, or the Dividends arising or becoming due upon such Shares, may belong or ought to be paid; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Sale or Assignment thereof duly made and executed, a solemn Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in the High Court of Chancery, or any of Her Majesty's Justices of the Peace, stating the Manner in which such Share hath passed to such other Person; and such Declaration shall be transmitted to the Clerk or Clerks of the said Company hereby established, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk or Clerks shall be entitled to receive for each such Entry the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any such Share shall be subject or liable; and before such Declaration transmitted, and such Entry made as aforesaid, no Person to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or to exercise any of the Privileges of a Proprietor in respect of any such Share: Provided always, that before any Person who shall claim any Part of the Profits of the said Undertaking in Right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a solemn Declaration in Writing, containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to by some credible Person before some Master or Master Extraordinary in Chancery, or any of Her Majesty's Justices of the

For ascertaining the Proprietorship of Shares in certain Cases.

Peace, and shall be transmitted to the Clerk or Clerks of the said Company, who shall file the same and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the Probate Copy of such Will or the Letters of Administration shall be produced and shown to the said Clerk or Clerks, or a Copy of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and solemnly declared to by the Executors, or some one acting Executor of the said Will, or the Administrators or Administrator of the Intestate, before some Master or Master Extraordinary in Chancery, or any of Her Majesty's Justices of the Peace as aforesaid, and shall be transmitted to the said Clerk or Clerks, who shall file and enter the same as herein-before mentioned, such Executors or Executor, Administrators or Administrator, at the same Time producing to such Clerk or Clerks the official Document authorizing them, him, or her to act as such Executors or Executor, Administrators or Administrator.

Directing the Company to discharge the Debt of 500*l.*

XLIX. And be it further enacted, That the said Company hereby established shall and they are hereby required, out of the first Monies which shall be borrowed as aforesaid, or out of any Monies in the Hands of their Treasurer, (after paying and discharging the Costs, Charges, and Expences of obtaining and passing this Act and incident thereto,) to pay off and discharge the said Debt or Sum of Five hundred Pounds borrowed on personal Security as aforesaid, for the Purposes of the said Undertaking, with all Interest due thereon.

Empowering Company to lay additional Lines of Pipes.

L. And be it further enacted, That for better supplying with Water the Houses and Buildings now erected and built, and which hereafter shall be erected and built, and all present and future Tenements within the said several Townships, Hamlets, or Places of *Hundersfield*, *Spotland*, *Castleton*, *Wardleworth*, and *Wuerdle* and *Wardle*, in the said Town and Neighbourhood of *Rochdale*, it shall be lawful for the said Company hereby established and they are hereby authorized and empowered to lay down and place Mains, Pipes, and Aqueducts in, along, and through any of the present and future public Roads, Streets, Highways, Lanes, and other public Passages and Places therein; and it shall also be lawful for the said Company (subject to the Provisions herein-after contained) and they are hereby authorized and empowered to lay down and place Mains, Pipes, and Aqueducts for the Conveyance of Water in and through any private Lands, and in and along any private Roads, Streets, and Passages, within the said Townships, Hamlets, or Places; and for such Purposes and also afterwards for inspecting and repairing the Works of the said Company, it shall be lawful for the said Company, and their Agents, Servants, Workmen, and Assistants, from Time to Time to enter into and upon the private Lands, Roads, Streets, and Passages aforesaid, and to mark and stake out such Part or Parts thereof as shall be necessary to be dug and broken up for executing any of the Purposes

Purposes of this Act, without being deemed a Trespasser or Trespassers, and also to take and use such Part and Parts thereof as shall be wanted for effecting the Purposes of this Act, and to break up the Soil thereof, or any Sewers or Drains therein, and to bore, cut, dig, and trench the same, and to get, remove, place, lay, take, 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, or afterwards in repairing or maintaining the same in repair; and it shall also be lawful for the said Company, with the Consent of the Owners of the Soil of any private Roads, Streets, and Passages which shall be hereafter made or laid out within the Townships, Hamlets, or Places aforesaid, to lay down and place Aqueducts or Pipes for the Conveyance of Water therein or through the same, or any or either of them; and it shall also be lawful for the said Company, after Twenty-four Hours previous Notice (or, in case of Emergency, after Three Hours previous Notice) in Writing from the said Company, or their Clerk or Clerks or Engineer or Surveyor, (such Notice specifying the Day and Time when such Work is intended to be commenced or done,) given to or left at the Office of the Clerk to the Commissioners for lighting, cleansing, watching, regulating, and improving the Town of *Rochdale*, or to or at the Place of Abode of the Surveyor of the Highways of the Township, Division, or District in which any of the present or future public Roads, Streets, Highways, Lanes, and other public Passages shall be situate, or to or at the Place of Abode of the Clerk or Surveyor to the Trustees of any Turnpike Road intended to be broken up, under the Superintendence of the said Commissioners or their Surveyor or other Officer, or of the Surveyor of the Highways or Turnpike Road, as the Case may be, (unless such Surveyor or other Officer shall neglect to attend and superintend the Work,) to break up, open, and relay, or remove the Soil or Pavement in any present or future public Road, Street, Highway, Lane, and public Passage or Place within the Townships, Hamlets, or Places aforesaid, or any or either of them, or any Sewers or Drains therein, for the Purpose of laying, putting down, or placing any Main Pipe or Branch Pipe, or for executing any of the Works by this Act authorized to be 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 it shall also be lawful for the said Company from Time to Time to repair, alter, take up, reconstruct, renew, remove, or replace any of the Mains, Pipes, and other Works, Matters, or Things aforesaid, as Occasion shall require; and all which said Pipes shall be laid at the Depth of Twenty Inches at least, except in passing over Bridges and Arches and in other Situations in which it may be impracticable to lay them at that Depth; and it shall also be lawful for the said Company from Time to Time to make, construct, and erect, lay, place, affix, or provide, and to repair, maintain, or alter, or remove and renew, any Service Pipes, Cisterns, Ponds, Basins, Sluices, Branches, Valves, Plugs, Bores, Cocks, Stopcocks, Chamber-cocks, Firecocks, Fireplugs, Machines, Devices, Matters, and Things which shall be expedient or necessary for distributing and conveying such Water to the respective Houses, Factories, Warehouses, Maltkilns, Workshops, Offices,

Offices, and other the Buildings and Premises within the Townships, Hamlets, or Places aforesaid, or any or either of them, and from Time to Time, as Occasion may require, to do all other Acts, Matters, and Things which shall be necessary and proper for completing, amending, repairing, and improving, and for using the Works already made or commenced as aforesaid, or to be made, done, and provided for the Purposes aforesaid, by virtue of this Act; they the said Company, or their Agents, Servants, and Workmen, doing as little Damage and causing as little Inconvenience as may be in the Execution of the several Powers to them hereby granted, and restoring the Surface of any Land, Road, Street, or Highway where the said Aqueducts or Pipes shall pass to its former Situation and Appearance, or as near thereto as may be, and as soon as may be, and making Satisfaction in the Manner provided by this Act, to all Persons interested in any private Lands, Tenements, or Hereditaments, for any Damage which shall be by them sustained by reason of the Execution 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 all other Persons whomsoever, for what they or any of them shall do by virtue of this Act: Provided always, that in case any of the Pipes cannot be laid at the Depth of Twenty Inches over any Cellar, underground Passage, Vault, or Drain in any Street, Road, or Passage, it shall be lawful for the said Company, their Servants and Workmen, to break up and open the Covering or Arch of any such Cellar, underground Passage, Vault, or Drain, and lay the Pipes for Conveyance of Water through or across the Opening in such Covering or Arch, at such Depth below the Surface, not exceeding Twenty Inches, as they shall think proper, for the Protection thereof, the said Company, or their Committee or Clerk or Clerks, giving Three Days Notice of their Intention to break up or open such Covering or Arch to the Owner and Occupier of such Cellar, underground Passage, Vault, or Drain, and, in case of a public Drain, to the Clerk to the said Commissioners, or the Surveyor of any Road or Highway, as the Case may be, and making good all Breaches and Damages thereby occasioned, to the reasonable Satisfaction of such Owner, Occupier, or Surveyor, as the Case may be: Provided always, that in case the Owner or Occupier of any such Cellar or private Vault or Drain shall refuse to permit the said Company, or their Surveyor, Officers, or Servants, to break up or open the Covering or Arch thereof, then the same shall not be done without the Order in Writing of some Justice of the Peace having Jurisdiction, and which Order it shall be lawful for any such Justice to make and give, if he shall think proper, after Proof made before him of the Service of Notice on such Owner or Occupier so refusing of the Intention of the said Company to make Application to him for such Order, and that such Notice sufficiently specified the Place, Day, and Hour when such Order would be applied for, and that such Notice was left in Writing at the last or usual Place of Abode of such Owner or Occupier Three clear Days before the Day on which such Order shall be made.

Ground broken up for laying

LI. Provided always, and be it further enacted, That any Pavement, Highway, Turnpike Road, or Ground which shall or may be

opened or broken up, either by the said Company hereby established, 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 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, and the Surveyor of such Highways or Turnpike Road, as the Case may be, and in the meantime shall be fenced or guarded, so that the same may not be dangerous to Passengers or Cattle, or otherwise; and if there shall be any wilful or negligent Delay in any of the Agents or Servants of the said Company, 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 Order or Authority of this Act, or in filling in or removing the Rubbish thereby occasioned, that then and in every such Case the said Company or such other Persons respectively so negligent shall forfeit and pay any Sum not exceeding Five Pounds.

Pipes to be fenced and filled in.

LII. And be it further enacted, That the Amount of any Compensation or Satisfaction to be made for any Damages from Time to Time claimed or to be claimed from the said Company hereby established shall or may be ascertained and settled by any Two Justices of the Peace acting for the said County Palatine of *Lancaster*; and if the Amount awarded by such Justices shall be less than Fifty Pounds, then the same 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 or their Treasurer, unless the Treasurer of the said Company shall pay and discharge the same within Twenty-one Days 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: Provided always, that in case the Amount of Compensation which shall be so awarded shall amount to or exceed the Sum of Fifty Pounds, or in case the Damages shall be alleged to amount to the Sum of Fifty Pounds or to any Sum exceeding Fifty Pounds, then the same shall or may be sued for and recovered from the said Company, by Action of Debt or on the Case, in Her Majesty's Court of Common Pleas at *Lancaster*, or in any of Her Majesty's Courts of Record at *Westminster*.

For ascertaining and Recovery of Damages.

LIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of or the Damage to be done to any Lands by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any other legal Disability or Incapacity of acting for himself, herself, or themselves, 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

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

Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The *Rochdale* Waterworks Company," pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty King
1 G. 4. c. 35. *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall 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 who would have been entitled to the Rents and Profits of the said Lands, 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, or affecting other Lands 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, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands 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 Consolidated or Reduced 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 who would for the Time being have been entitled to the Rents and Profits of the said Lands so purchased, taken, or used, 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 purchased or Damage done as 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 for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of his 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

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 making such Option, and approved of by the said Company hereby established, 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 shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

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 who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or used for the Purposes of this Act, in such Manner as the said Company hereby established shall think fit; or in case of Infancy or Lunacy then to his Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person so entitled as aforesaid.

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

LVI. 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, or of any Estate, Right, or Interest in any Lands 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 who shall have been in possession of such Lands at the Time of such Purchase by the said Company hereby established, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Land, 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 was lawfully entitled to such Lands, or to some Estate or Interest therein.

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

LVII. And be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order the Costs, Charges, and Expences which may be incurred in consequence thereof, and of the Reinvestment of the Purchase or Compensation Money in other Land, or so much of such several Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only

only by the passing of this Act, and not by Litigation between Claimants, or otherwise, of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money in Government or Real Securities, and for the Payment of the Interest and Dividends thereof, and of such Government or Real Securities, or of the Money to be produced by the Sale thereof out of Court, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes, to be paid by the said Company hereby established out of the Monies to be received by virtue of this Act, and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct; and also that where in any other Cases any Monies payable for any Satisfaction or Compensation under this Act shall, by reason of or under any of the Provisions of this Act, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, it shall likewise be lawful for the said Court to order the reasonable Expences of any Party or Parties in procuring the same to be paid out of Court, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be in like Manner paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company accordingly shall from Time to Time pay such Sums of Money, and in such Manner, and for such Purposes, as the said Court shall direct.

Private Land not to be taken by Compulsion, nor Pipes to be laid therein without Consent, except, &c.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company hereby established to take or use any private Land whatever, without the Consent in Writing of the Owner thereof, nor to lay down or place any Mains or Pipes in any private Land or Ground, without the Consent in Writing of the Owner thereof, except in and through the Lands, Streets, or Places mentioned in the Schedule to this Act annexed, and except that it shall be lawful for the said Company, at any Time or Times, to enter upon and lay or place any new Main or Mains, or Pipe or Pipes, in any such Lands wherein any Main or Mains, Pipe or Pipes, shall have been already laid down or placed in execution of the said recited Acts, or under the Powers or Provisions of this Act, and to repair or alter any Main or Mains, Pipe or Pipes, so laid down therein.

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

LIX. And be it further enacted, That all Pipes which shall hereafter be laid or used for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof such Pipes shall be laid at the Distance of Four Feet, from the nearest Part of any Pipe laid down for the Conveyance of Water within the said Limits, except in any Case in which it may be unavoidably necessary to lay any Gas Pipe across any such Water Pipe, in which Case the said Gas Pipe shall be laid over or under such Water Pipe, as the Case may require, at the greatest practicable Distance therefrom, and shall therewith form a Right Angle, or as nearly such as may be practicable, and in such Case the Gas Pipe so crossing the Water

Pipe shall be at least Nine Feet in Length, and be so placed that no Joint of any such Gas Pipe shall be nearer to any Part of such Water Pipe than Four Feet; and in laying down the said Gas Pipes the Person or Corporation to whom they shall belong shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing of such Pipe with the other Pipes connected therewith, with proper and sufficient Materials, and shall also make and keep all such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, or Openings therein respectively, Air-tight, so as to prevent the Gas from escaping therefrom, on pain of forfeiting and paying the Sum of Five Pounds for every such Offence.

Penalty on permitting the Escape of Gas.

LX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which are or shall be laid down or set up by any Person or Corporation making or supplying Gas within the Limits of this Act, such Person or Corporation shall, at his or their own Expence, immediately after receiving Notice, by Parol or in Writing, from any Person whomsoever, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case such Person or Corporation shall not within Twenty-four Hours next after such Notice as aforesaid being given effectually prevent the Gas from further escaping, and wholly and satisfactorily remove the Cause of Complaint, such Person or Corporation shall for every such Offence forfeit and pay the Sum of 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 said Penalty shall be recoverable in a summary Way, on the Oath of some credible Witness, before some Justice of the Peace for the said County of *Lancaster*, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Person or Corporation, by the Warrant of any Justice of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are directed or provided touching other Penalties imposed by this Act.

Penalties on Washings draining into Rivers, Streams, &c.

LXI. Provided always, and be it further enacted, That if any Person or Corporation making or supplying any Gas within the Limits of this Act shall at any Time empty or permit to flow any Washing or other waste Liquid, or any noisome or offensive Liquid, Substance, or Thing whatsoever, which shall be produced in making or procuring Gas, into any River, Brook, or running Stream, Canal, Reservoir, or Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or to enter any Drain, Sewer, or Ditch communicating therewith, or shall do any other Act whereby the Water running to or contained in any such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, Well, Drain, Sewer, or Ditch, shall be fouled or corrupted, the Person or Corporation so offending shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Courts of

Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information; and the whole of such Penalty shall be paid to the Party who shall inform or sue for the same: Provided always, that no such Penalty shall be recoverable unless the same shall be sued for within Twelve Calendar Months from the Time that such Offence shall have ceased and determined: Provided also, that in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been recovered, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained or emptied or suffered to flow in manner aforesaid into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such other Act shall be done as aforesaid, and Notice in Writing shall have been given by any Person whomsoever to the Person or Corporation to whom such Gas Works belong, and such Person or Corporation shall not, within Twenty-four Hours after such Notice given, prevent such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained or emptied or from flowing, and every such other Act from being continued as aforesaid, such Person or Corporation shall forfeit and pay the Sum of Twenty Pounds for each Day during which such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained or emptied or suffered to flow, or such other Act shall be done as aforesaid; and the Amount of such last-mentioned Penalty shall and may be recovered and levied in the same Manner as any other Penalty for any other Offence under this Act may be recovered and levied, and shall be paid to the Informer, or the Party who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any of the Causes herein-before mentioned.

For preventing the Contamination of the Water by Gas.

LXII. And be it further enacted, That whenever the Water of the said Company hereby established shall be contaminated or affected by Gas of any Person or Corporation making or supplying Gas within the Limits of this Act, such Person or Corporation shall forfeit and pay to the said Company for every such Offence a Sum not exceeding Twenty Pounds, to be sued for, levied, and recovered as any other Penalty for any other Offence against this Act may be sued for and recovered; and in case any such Water shall be so contaminated or affected by Gas as aforesaid, then and in every such Case the Person or Corporation making or supplying such Gas shall, within Twenty-four Hours next after Notice thereof in Writing, signed by or on behalf of the said Company, to be left at the usual Place of Abode of the Person, or at the Office or Place of transacting Business of the Person or Corporation making or supplying such Gas, cause the most effectual Measures to be taken to prevent the Gas from escaping from the said Works, or contaminating or affecting any such Water; and in case the Person or Corporation so making or supplying such Gas shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent such Contamination whereof Notice shall be given as afore-

said, then and in every such Case the Person or Corporation making or supplying such Gas shall, on every Complaint whereof Notice shall have been given as aforesaid, forfeit and pay to the said Company, over and above the before-mentioned Penalty not exceeding Twenty Pounds, a further Sum not exceeding Ten Pounds for every Day during which the said Water shall be and remain contaminated or affected by any such Gas; and in default of Payment thereof such Penalty shall and may be recovered by Information, to be exhibited on the Oath of some credible Witness, in the Name or Names of the Clerk or Clerks of the said Waterworks Company, before some Justice of the Peace for the said County of *Lancaster*, with Costs, to be assessed by such Justice, and be levied by Distress and Sale of the Goods and Chattels of the Person or Corporation aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant.

For ascertaining if the Water be contaminated.

LXIII. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated by the Gas of any Person or Corporation making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the said Company hereby established to enter upon the Premises, and remove the Surface of the Ground, and to examine the Pipes and other Works of the Person or Corporation making or supplying such Gas, for the Purpose of ascertaining whether the Water has been contaminated by any Escape of Gas of such Person or Corporation, and if it shall appear that such Water has been so contaminated all Expences attending such Examination, and also attending the Repair of the Surface or Pavement of the Highway, Turnpike Road, Street, or Place which shall have been removed, shall be borne and paid by such Person or Corporation as aforesaid, and such Expences shall be ascertained and determined (if necessary) by the Justice before whom the Complaint shall be made, and be recovered in the same Manner as any Penalty may be recovered under this Act: Provided always, that if upon such Examination it shall appear that the Water hath not been so contaminated as herein-before mentioned, the said Company shall bear and pay the Expences of such Examination and Repair, and also shall make good to the Person or Corporation making or supplying such Gas as aforesaid any Loss or Damage which may have been occasioned to the Pipes or other Works of such Person or Corporation in and by such Examination as aforesaid; and the Amount of such Loss or Damage shall be ascertained and determined (if necessary) by such Justice of the Peace as aforesaid, and be recovered in the same Manner as any other Penalty may be recovered under this Act.

Persons supplying Gas liable to be indicted as for a Nuisance.

LXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any Person from proceeding, by Indictment or otherwise, against any Person or Corporation making or supplying Gas within the Limits of this Act, in respect of any of their Gas Works, or of the Means which shall be employed by them in making the said Gas or in furnishing such Gas, as a public or private Nuisance, or from bringing an Action against any such Person or Corporation, or against any of their Servants

Servants or Workmen, for any Injury sustained by reason of any such Works, or of the Method of supplying the same, whether such Injury shall proceed from the Preparation or the Use of such Gas, or the Method of lighting therewith, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalties and Damages against the Company may be recovered from or paid by the Treasurer.

LXV. And be it further enacted, That the said Company hereby established shall and they are hereby required to appoint a Treasurer, and to take Security from such Treasurer for the Performance of his Trust; and all Penalties, Forfeitures, and Damages payable by the said Company by virtue of this Act, and which might by virtue of this Act be levied or recovered by Distress and Sale of the Goods and Chattels of the said Company, may be levied and recovered by Distress and Sale of the Goods and Chattels of such Treasurer: Provided always, that it shall be lawful for any such Treasurer to pay and discharge, out of any Monies in his Hands, the Amount of all or any of such Penalties, Forfeitures, and Damages which, upon Conviction before any Two or more Justices of the Peace, shall be payable by the said Company by virtue of this Act; and it shall also be lawful for any such Treasurer against whose Goods and Chattels any such Warrant of Distress shall be issued, forthwith to pay and discharge, out of any Monies in his Hands belonging to the said Company, the Amount of the Penalty or Forfeiture or Damages for which such Warrant of Distress shall be issued, and also the reasonable Costs of such Warrant of Distress, and to charge such several Payments in his Accounts against the said Company as Monies paid by Authority and on behalf of the said Company, and the said Company shall allow such several Payments accordingly; and in case such Treasurer, at the Time of the issuing or executing of such Warrant of Distress, shall not have any or sufficient Monies for making such Payments in his Hands belonging to the said Company, and shall nevertheless forthwith pay the same as aforesaid, or shall suffer any Loss, Damage, or Injury by reason of such Distress, such Treasurer shall and may recover all Monies so paid, and the Amount of all Loss, Damage, or Injury so sustained, from the said Company, by Action of Debt or on the Case, or if the Amount thereof shall be less than Twenty Pounds, then by such other Ways and Means as any Penalty, Forfeiture, or Damages not exceeding Twenty Pounds may be recovered by virtue of this Act.

General Meetings to appoint a Clerk and Treasurer.

LXVI. And be it further enacted, That it shall be lawful for the said Company hereby established, at their First General Meeting, or at any other General or Special General Meeting, to elect and appoint a Clerk or Clerks for transacting the Business of the said Company, and also to elect and appoint a Treasurer, and from Time to Time to remove and displace any such Clerk or Clerks or Treasurer, and from Time to Time to elect and appoint any other Person or Persons to act as Clerk or Clerks, or any other Person to act as Treasurer, in the Room of such of the said Officers as shall happen to die, or to resign or be removed from their respective Offices, and to allow such Salaries or other Emoluments to the said Officers, or either of them, as at any such General or Special General Meeting shall from Time to Time be fixed upon and determined: Provided always,

always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, for the faithful Execution of his Office, before he shall enter thereupon. Security to be taken from Treasurer.

LXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company hereby established 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 or Auditor 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 or Auditor for the Purposes of this Act, or to appoint the Person who may be appointed Auditor, or the Partner of any such Auditor, or the Clerk or any Person in the Service or Employ of any such Auditor, or the Clerk or any Person in the Service or Employ of the Partner of any such Auditor, to be the Treasurer or Clerk to the said Company; and if any Person shall accept both the Office of Clerk and Treasurer, or both the Office of Clerk and Auditor, or both the Office of Auditor 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 Auditor, or shall act as Deputy of such Treasurer or Auditor, or in any Manner officiate for such Treasurer or Auditor, 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 or Auditor, or shall act as Deputy of such Clerk or Auditor, or in any Manner officiate for such Clerk or Auditor, or being the Partner of any such Auditor, or the Clerk or any Person in the Service or Employ of any such Auditor, or the Clerk or any Person in the Service or Employ of the Partner of any such Auditor, shall accept the Office of Treasurer or Clerk, or shall act as Deputy of such Treasurer or Clerk, or in any Manner officiate for such Treasurer or 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 Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information. Same Person not to be Clerk and Treasurer, &c.

LXVIII. And be it further enacted, That for the better managing and conducting the Affairs of the said Company hereby established, and the Business of the said Undertaking, it shall be lawful for the said Company to assemble and meet from Time to Time when and where First and other Meetings.

where they shall find convenient within the Limits of this Act; and the First General Meeting of the said Company for proceeding in the Execution of this Act shall be held at the Waterworks Office in *Rochdale*, or any other convenient Place within the Limits of this Act, on the Third *Thursday* next after the passing of this Act, or as soon after as conveniently may be; and from and after the said First General Meeting there shall be a General Meeting of the said Company on the First *Thursday* in the Month of *June* in each and every Year, or within the Space of Fifteen Days next following that Day; and the said Company, or any Five or more of the Proprietors or Shareholders in the said Undertaking assembled at any such General Meetings, shall have full Power and Authority to carry this Act and the Purposes thereof into execution, and to adjourn any such Meeting from Time to Time, and order such future General Meetings of the said Company to be holden from Time to Time at such Place or Places as shall at such General Meetings be thought proper and convenient; and Notice of every such General Meeting shall be given by Advertisement in One or more Newspaper or Newspapers published in the said County Palatine of *Lancaster*, or by Letters sent through the Post Office or otherwise to each of the Proprietors or Shareholders in the said Undertaking, and mentioning the Time and Place of Meeting; and in case at any Time it shall be thought necessary, by any Three or more Proprietors possessed of Two or more Shares each in the said Undertaking, that any General Meeting should be held on an earlier Day than the Day to which any General Meeting shall stand adjourned, or in case at any Time no Adjournment of any General Meeting shall have been made, then it shall be lawful for any Three or more of the said Proprietors possessed of Two or more Shares each in the said Undertaking to call a Special General Meeting, to be held at such Time and Place as they shall think fit within the Limits of this Act, and Ten Days Notice of every such Special General Meeting shall be given by Advertisement in One or more Newspaper or Newspapers published in the said County Palatine of *Lancaster*, or by Letters sent through the Post Office or otherwise to each of the Proprietors or Shareholders in the said Undertaking, mentioning the Time and Place and Purpose thereof; and every such Notice shall be given in the Name or Names of the Clerk or Clerks of the said Company for the Time being, or in the Names of any Three or more of such Proprietors, or in the Name or Names of the Clerk or Clerks to the said Company, by the Order of any Three or more of such Proprietors; and any such Special General Meetings may be adjourned from Time to Time, in like Manner as any General Meeting may be adjourned as aforesaid.

Proceedings at Meetings.

LXIX. And be it further enacted, That all General Meetings and Special General Meetings of the said Company hereby established shall consist of at least Five Proprietors of Shares in the said Undertaking; and at every General and adjourned General and Special General Meeting of the said Company one of the Proprietors then present shall be elected to preside as Chairman; and every Question, Order, Matter, or Thing which shall be proposed, discussed, or considered at any of such Meetings shall be determined

mined by a Majority of Votes of the Proprietors present in Person, or by their respective Proxies, to be appointed in Writing, all such Proxies being Proprietors of a Share or Shares in the said Undertaking; and every such Proprietor shall have and be entitled to give on any Question at any of such Meetings, in Person or by Proxy, so many Votes as he or she shall hold Shares in the said Undertaking, that is to say, One Vote in respect of each such Share; and the Chairman of every such Meeting shall not only be entitled to vote in respect of his Share or Shares, but in case of an Equality of Votes shall also have an additional or casting Vote; and every Question, if required by any Five or more Proprietors 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; but nevertheless it is hereby provided, that no Proprietor shall be entitled to vote at any Meeting of the said Company in respect of any Share or Shares which he may possess in the said Undertaking, unless such Person shall have fully paid all Arrears due in pursuance of any Call which shall have been made upon or in respect of such Share or Shares by the Committee of Management for the Time being of the said Company, nor shall any Person Vote at any such Meeting upon any Question in which such Person shall be interested in any other Way than being a Shareholder of the said Undertaking: Provided always, that no Order, Rule, or Regulation made at any General or at any Special General Meeting shall be revoked or altered, except at some subsequent Special General Meeting, nor unless the Intention of making any such Revocation or Alteration shall be specified in the Notices of such subsequent Special Meeting, nor unless the Number of Votes in favour of such Revocation or Alteration at such subsequent Special General Meeting shall amount to or exceed Four Fifths of the whole Number of Votes of all the Proprietors present in Person or by Proxy at the Meeting at which the Order, Rule, or Regulation intended to be revoked or altered was passed.

As to the Votes of Lunatics and Minors.

LXX. And be it further enacted, That in case any Proprietor entitled to vote at any Meeting of the said Company hereby established shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting by his Committee or any One of such Committee, and such Minor shall and may vote by his 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.

Regulating the voting at Meetings by joint Owners, Notices, Receipts, &c.

LXXI. And be it further enacted, That in all Cases where Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company hereby established as one of the joint Proprietors of such Share or Shares shall be deemed to be the Proprietor of such Share or Shares for the Purpose of voting at any Meeting of the said Company, and shall have the sole and entire Right of voting at any such Meeting in respect

of

of such joint Share or Shares; and all Notices necessary to be given to the Proprietors of Shares in respect thereof shall, in such Cases of joint Ownership of any Share or Shares, be given to such Person, and being so given shall be considered as a Notice given to all the Proprietors of such joint Share or Shares; and in all Cases of such joint Ownership, where any Receipt or Acquittance of such joint Owners might be required, the Signature of such first-named Proprietor to any such Receipt or Acquittance shall be deemed to be the Receipt or Acquittance of all such joint Owners.

General Meetings to appoint Committee of Management.

LXXII. And be it further enacted, That it shall be lawful for the said Company hereby established, at their General Annual Meeting, or at some adjourned General Annual Meeting, in every Year, to appoint from Time to Time, as herein-after mentioned, a Committee of Management of the Works and Concerns of the said Company.

Present Members of Committee to continue in office until removed.

LXXIII. And be it further enacted, That the several Persons, being at the Time of the passing of this Act Members of the Committee of Management of the Works and Concerns of the aforesaid Company, chosen in pursuance of the said first-recited Act, and being duly qualified, shall continue in Office and be respectively Members of the Committee of Management of the Works and Concerns of the Company hereby established until others shall be appointed in their Stead in pursuance of this Act.

Election of future Committee.

LXXIV. And be it further enacted, That at the General Annual Meeting of the said Company hereby established, to be held on the First *Thursday* in the Month of *June* in every Year, or at some Adjournment of any such General Annual Meeting, Eleven of the Proprietors of Shares in the said Undertaking, being respectively Proprietors of at least Two Shares in the said Undertaking, shall be elected to be a Committee in the Place of the former Committee; nevertheless any Member or Members of the former Committee whose Office shall then have expired shall (if otherwise eligible) be again immediately re-eligible.

For supplying Vacancies in the Committee.

LXXV. Provided always, and be it further enacted, That if any Person, being a Member of the said Committee, shall either directly or indirectly offer to take and succeed in taking any Contract, every such Person shall be disqualified from interfering and voting in any Matter to be discussed and argued by the said Committee, and shall cease to be a Member of the said Committee; and if any Member of the said Committee shall at any Time cease to be a Proprietor of Two Shares at the least in the said Undertaking, every such Person shall thereupon cease to act or vote at such Committee, and shall cease to be a Member thereof; and thereupon in any such Case, or on the Death of any Member of the said Committee, it shall be lawful for the said Company hereby established, at any General Annual Meeting, or Adjournment thereof, or at any Special General Meeting to be held pursuant to Notice to be given for the Purpose by any Three or more Proprietors of Shares in the said Undertaking, to elect and appoint some other Proprietor who shall be duly qualified in

the Stead of such Person so disqualified or ceasing to be a Member of the said Committee, or dying as aforesaid; and every such Proprietor so elected shall continue in Office as One of such Committee so long as the Person in whose Place or Stead he was elected would have been entitled to have continued in Office if such Disqualification or Death had not happened.

Powers of Committee, and Regulations as to their Proceedings.

LXXVI. And be it further enacted, That the Committee of the said Company hereby established for the Time being, continued or appointed or to be appointed in pursuance of this Act, shall have the Custody of the Common Seal of the said Company, with Power to use the same on their Behalf, and shall have full Power to meet and adjourn from Time to Time and from Place to Place, and also at any Time (by Notice to be published as in this Act mentioned) to call Special General Meetings of the said Company for any Purposes they may think proper, and to appoint the Times and Places of holding General Annual, General, and Special General Meetings; and at all Meetings of the said Committee one of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, and considered at such Meetings shall be finally determined by the Majority of Votes then present (the whole Number present not being in any Case less than Five); and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman, whose Vote shall be always first taken, and who, in case of an equal Division, shall always have a second or casting Vote; and such Committee shall have full Power and Authority to direct and manage all the Affairs of the said Company, and shall and may contract for and agree to take or purchase Messuages, Tenements, Lands, or other Hereditaments and Materials for the Use of the said Undertaking, and employ, order, and direct the Works and Workmen, and nominate, appoint, elect, place, or displace any Officer, Engineer, Agent, Collector, Servant, and Workmen of the said Company, (except the Treasurer and Clerk or Clerks, who shall and may be appointed by a General Meeting of the said Company, as in this Act mentioned,) with such Salary, Gratuity, or Recompence as to the said Committee shall seem proper, and make all Contracts and Bargains touching the said Undertaking; and the said Committee may require such Security to be given to the said Company from any Officer or Officers (not being a Treasurer or Clerk of the said Company) or other Person, for the faithful Execution of their respective Duties, as they may think proper or reasonable; and every such Committee shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the General Meetings of the Proprietors, and shall obey their Orders and Directions: Provided always, that all Contracts and other Matters and Things which shall be signed or sealed or done by any such Committee in pursuance of this Act shall not be deemed to be invalid by reason of any One or more of the Members thereof signing or joining in the Execution of any Contract or other Matter or Thing so done by such Committee being disqualified at the Time of his or their so acting: Provided also, that in case, by any Means or Causes, the Number of

Committee-men shall at any Time be reduced below Eleven, the Remainder (not being less than Five) of the Committee-men, or any Five or more of them, may continue to act as the Committee of Management of the Works and Concerns of the said Company, notwithstanding any such Vacancy or Vacancies as aforesaid, until such Vacancy or Vacancies shall be supplied as aforesaid.

Orders and Proceedings to be entered in a Book.

LXXVII. And be it further enacted, That the Orders and Proceedings of all Meetings, as well General as Special, of the said Company hereby established, and of the said Committee, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall, unless and until revoked or altered under the Powers of this Act, be valid and conclusive, and shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors, or being Members of the Committee, as the Case may be, or of the Handwriting of the Person who, as Chairman of such Meeting, shall have signed such Orders or Proceedings.

Books of Proceedings and of Accounts, &c. of former Company to be kept by the Clerk under this Act.

LXXVIII. And be it further enacted, That all Books of the Orders and Proceedings of the aforesaid Company incorporated by the said first-recited Act hereby repealed, or of their Committee of Management, and all Books of the aforesaid Company heretofore kept by them or by their Clerk or Clerks, containing the Names and Designations of the Holders of Shares in the said Undertaking, the Registers of Shares and Transfers, the Certificates and Numbers of such Shares respectively, and all Books of the Accounts of the aforesaid Company, and all Vouchers and Documents relating thereto, and all other Books heretofore kept by the Clerk or Clerks or any other Officer of the aforesaid Company, relating to the Affairs or Business of the aforesaid Company, shall henceforth be kept, by the Clerk or Clerks of the Company hereby established, in the Office of such Clerk or Clerks, or by such other Officer of the said Company or in such other Office of the said Company as the said Company or their Committee of Management shall order and direct; and all Holders of Shares in the said Undertaking shall at all seasonable Times be allowed to inspect such Books, Papers, and Documents, without Fee or Reward.

Register Books to be kept by the Company.

LXXIX. And be it further enacted, That Books shall be provided and kept by the said Company hereby established, for the Purpose of entering and registering the Names and Designations of the Subscribers to the Undertaking, and of all Holders of Shares therein, and the Numbers of such Shares, and of all Transfers of such Shares, and all Mortgages of the Undertaking or Securities for Money borrowed, and all Transfers thereof, and all other Proceedings, Matters, and Things to be done in pursuance of the Directions of this Act; and such Books shall (subject to the Orders of the Company and their Committee of Management) be kept by the Clerk

Clerk or Clerks of the said Company; and such Books, and the Entries therein, entered or signed pursuant to the Directions of this Act, shall be admitted in Evidence by and before all Judges, Justices, and others, and in all Courts and Places whatsoever; and any Person interested shall at all seasonable Times be allowed to inspect such Books, without Fee or Reward.

Accounts to be kept of Receipts and Disbursements.

LXXX. And be it further enacted, That the said Company hereby established shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept, in which shall be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the Proprietors of Shares in the said Undertaking, and all Persons and Bodies respectively possessing or entitled to any Security affecting or charged upon the Estate and Effects, Rents and Profits of the said Company, by virtue of this Act, who may take Copies thereof or Extracts therefrom, without Fee or Reward.

Officers to render Accounts when required.

LXXXI. And be it further enacted, That all Officers appointed by the aforesaid Company incorporated by the said first herein-before recited Act or by their Committee of Management, and all Officers who shall be appointed by the said Company hereby established or by their Committee of Management, shall from Time to Time, when thereunto required by the said Company or by their Committee of Management, deliver to the said Company or to such Committee of Management, or to such Person or Persons as the said Company or such Committee of Management shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received by virtue of their Office, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their respective Hands to the said Company or to the said Committee of Management, or to such Person or Persons as the said Company or the said Committee of Management shall appoint to receive the same; and if any such Officer shall refuse or neglect to deliver up or produce such Accounts, and the Vouchers relating to the same, in his Possession or Power, in manner aforesaid, or shall refuse or neglect to pay the Money received on such Accounts, or the Balance of such Monies, or if any such Officer shall refuse or neglect to deliver up to the said Company or such Committee of Management, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act, then and in every or any of the said Cases it shall be lawful for any Justice of the Peace for the County of *Lancaster*, upon Complaint made before him by or on behalf of the said Company or Committee of Management, and such Justice is hereby required, to summon such Officer to appear before him, and upon his appearing, or upon satisfactory

satisfactory Evidence that such Officer cannot be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon Confession of the Officer against whom any such Complaint shall be made, or by the Oath or Oaths, Affirmation or Affirmations, (as the Case may require,) of any Witness or Witnesses, which Oath or Affirmation such Justice is hereby empowered and required to administer and take without Fee or Reward, or upon Inspection of the said Accounts, if produced, it shall appear to such Justice that any of the Money which shall have been collected or received shall be in the Hands of such Officer, such Justice may and is hereby authorized and required, on Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer shall not appear before the said Justice at the Time and Place appointed for that Purpose, unless for some sufficient Reason, or if appearing shall refuse or neglect to give and deliver to such Justice an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to such Justice the several Vouchers and Receipts, Books, Accounts, Papers, and Writings in his Custody or Power belonging to the said Company, or any of them, then and in any or either of the Cases aforesaid such Justice may and he is hereby authorized, by a Warrant under his Hand and Seal, to commit such Officer to the Common Gaol or House of Correction for the County of *Lancaster*, there to remain without Bail or Mainprize, in case he shall be committed for Nonpayment of any Money received by him or in his Hands, until he shall have accounted for and paid the full Amount thereof, or compounded with the said Committee of Management, and paid such Composition in such Manner as the said Committee of Management shall appoint, (which Composition the Committee of Management are hereby empowered to make,) or, in case he shall be committed for not delivering any Accounts, Books, Papers, or Writings as aforesaid, until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Company or Committee of Management; provided that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Three Calendar Months.

Committees may make Contracts in the Name of the Company;

LXXXII. And be it further enacted, That it shall be lawful for the Committee of the said Company hereby established, and they are hereby empowered, from Time to Time, in the Name of the said Company, to contract and agree with any Person or Persons for performing any of the Works by this Act authorized to be made or executed; and all Contracts so to be entered into shall be reduced into Writing, and may be sealed with the Common Seal of the said Company, for which Purpose such Committee is hereby empowered to use the same, or such Contracts, or any of them, may be signed by any Three or more of the Members of the said Committee, or by the Clerk or Clerks of the said Company under the Order of the said Committee, and the same shall be signed by the Person or Parties contracting

tracting to perform such Works, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof; and all such Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Company; and the Committee of the said Company shall and they are hereby required to take such Bond or other Security from every Contractor for the due Performance of his Contract as they shall think sufficient; and the said Committee shall cause the Works to be done in pursuance of such Contracts to be inspected by such Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by any such Contract limited for completing the same, the said Committee shall and may cause any Action at Law or Suit in Equity to be brought by the Company against any Party so contracting and neglecting to perform such Contract, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the Contract, and Nonperformance thereof, the said Company shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the said Committee to compound and agree with any Person or Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any such Action or Suit shall be brought, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, or for or on account of any Breach or Nonperformance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the said Committee shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, Bond, or Security, and all such Costs, Charges, and Expences as shall have been or shall be occasioned thereby.

and may compound for Breach of Contractss.

LXXXIII. And be it further enacted, That nothing in this Act, or in any Contract or Agreement by this Act authorized to be entered into or made by the said Committee, or by or on the Behalf of the said Company hereby established, for any of the Purposes of or in the Execution of this Act, shall extend to charge or affect any Member of the Committee, or Person executing any such Contract or Agreement on behalf of the said Company, or the Heirs, Executors, or Administrators of any such Member of the said Committee or Person, or his or their or any of his or their own proper Lands, Tenements, or Hereditaments, Goods, Chattels, Effects, or Property, with or for the Performance of all or any of the Covenants, Conditions, Matters, or Things in the same Contract or Agreement contained or mentioned on the Part of any such Member of the said Committee or Person; but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Suit at Law or in Equity, or otherwise, against any such Member of the said Committee or Person, or against his or their or any of his or their Executors or Administrators, for or by reason of such Contract or Agreement, or

Persons signing not to be personally liable under Contracts.

any Matter or Thing therein contained, and also the Damages or Charges and Expences which any such Party or Person shall bear, pay, or be put unto, or which shall be occasioned to him for or by reason of any such Contract or Agreement, or any Matter or Thing therein contained, or any Action or Suit, Award, or otherwise, to be brought, prosecuted, or made by or against him thereupon, shall respectively be paid, satisfied, and discharged out of the Monies which shall be in the Hands of the Treasurer of the said Company, and which Payments the Treasurer of the said Company is hereby authorized and required to pay without any other Authority than this Act for so doing.

Limiting the Rent to be paid for the Water.

LXXXIV. And be it further enacted, That the said Company hereby established shall and they are hereby required to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Road, Street, or Place within the Limits of this Act, through which any Water Pipe of the said Company shall be laid for the domestic Uses of every such Inhabitant, for such annual Rent or Sum as shall be agreed upon between such Inhabitants and the said Company, not exceeding the following; (that is to say,) where the annual Rack Rent or Value of the Premises so supplied with Water shall not exceed Ten Pounds, at and after the Rate of One Pound *per* Year; and where such Rent or Value shall exceed Ten Pounds and shall not exceed Twenty Pounds, at and after the Rate of Two Pounds *per* Year; and where such Rent or Value shall exceed Twenty Pounds and shall not exceed Thirty Pounds, at and after the Rate of Two Pounds Sixteen Shillings *per* Year; where such Rent or Value shall exceed Thirty Pounds and shall not exceed Forty Pounds, at and after the Rate of Three Pounds Fifteen Shillings *per* Year; where such Rent or Value shall exceed Forty Pounds and shall not exceed Sixty Pounds, at and after the Rate of Five Pounds *per* Year; where such Rent or Value shall exceed Sixty Pounds and shall not exceed Eighty Pounds, at and after the Rate of Five Pounds Twelve Shillings *per* Year; where such Rent or Value shall exceed Eighty Pounds and shall not exceed One hundred Pounds, at and after the Rate of Six Pounds Five Shillings *per* Year; where such Rent or Value shall exceed One hundred Pounds and shall not exceed One hundred and twenty Pounds, at and after the Rate of Seven Pounds *per* Year; where such Rent or Value shall exceed One hundred and twenty Pounds and shall not exceed One hundred and fifty Pounds, at and after the Rate of Eight Pounds *per* Year; and where such Rent or Value shall exceed One hundred and fifty Pounds, the Sum of Ten Pounds *per* Year; and such Water Rent shall be payable according to the actual Amount of the Rent, or according to the actual annual Value of the Premises, such Value to be ascertained from the Poor Rate Assessment which shall have been then last made: 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 Inhabitants for any less Sum than One Pound in any One Year; and from and after the passing of this Act it shall be lawful for the said Company, at such Times as there shall be a greater Quantity of

Water in their Reservoirs than shall be required for affording such Supply as aforesaid, to furnish a Supply of Water within the Townships, Hamlets, and Places aforesaid for any Steam or other Engine or Machinery, and any Manufactory, and for any Manufacturers, Cloth Dressers, Dyers, Hatters, Printers, Bleachers, Distillers, Brewers, Innkeepers, Maltsters, Alehouse Keepers, Butchers, Vintners, or other Persons requiring a Supply of Water for other than domestic Purposes, and also to Persons requiring a Supply of Water for Baths, Ponds, Pools, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business, or for any other than domestic Purposes, at such Rate, Rent, or Charge, or for such Sum of Money, as shall be agreed upon between such Persons and the said Company; and no Person supplied with Water by the said Company according to the Regulations aforesaid shall be liable to any Penalty for using the same:

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

LXXXV. Provided always, and be it further enacted, That where several Messuages, Cottages, Dwelling Houses, or Tenements in the Occupations of several Persons shall be supplied by One common Service Pipe to be laid to and introduced into any Reservoir, Aqueduct, Main Pipe, or Branch Pipe of or belonging to the said Company hereby established, 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 which 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 Rents, in case of Nonpayment, shall be recoverable and recovered in like Manner as any other Water Rents are recoverable or may be recovered by virtue of this Act.

Notice to be given on discontinuing Use of Water; but in case of Removal, Rent to be paid to the Quarter Day only.

LXXXVI. And be it further enacted, That the Rent or Rents which shall be so agreed to be paid as aforesaid shall be charged on the Owner or Occupier as aforesaid until Notice of the Intention of such Owner or Occupier to discontinue to take, receive, or use such Water be given in Writing by him or her to the managing Agent of the said Company hereby established, or left at the principal Office of the said Company in *Rochdale*, such Notice to expire on some usual Quarter Day: Provided always, that in all Cases where any Owner or Occupier shall remove from or quit Possession of any House, Building, Land, Ground, or other Hereditaments in respect whereof he shall have agreed to pay for Water supplied by the said Company by virtue of this Act, such Owner or Occupier shall be liable to pay for the same down to the next Quarter Day after such Removal only.

Water Rents to be payable in advance.

LXXXVII. And be it further enacted, That the Proportion of the Quarter's Water Rents so payable to the said Company hereby established from the Period at which the said Company shall contract with any Person for the Supply of Water under the Powers herein contained, until the next of the Quarter Days herein-after mentioned, (*videlicet*,

(*videlicet*, the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*,) shall be paid in advance at the Time at which he shall so contract, and that the full Water Rent for each Quarter shall from Time to Time thenceforward become due and payable in advance on the said Days as they respectively occur and happen.

In case Rents are in arrear.

LXXXVIII. And be it further enacted, That in case of Default in Payment of any Rent or Rents or Sum or Sums of Money at any Time or Times to be due or payable to the said Company hereby established for a Supply of Water under or by virtue of this Act, it shall and may be lawful for the said Company or their Committee to levy the Rent or Rents, Sum or Sums, so in arrear, together with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting to pay the same or any Part thereof, wherever such Goods and Chattels may be found, in the same Manner as Rents in arrear upon common Demise may by Law be recovered, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after the necessary Charges of making such Distress and Sale shall be first deducted; and it shall also be lawful for the said Company or their Committee to cause any Service Pipe or Pipes used for supplying with Water the House, Buildings, or Premises of the Person making such Default, and communicating with the Aqueducts or Main Pipes or common Service Pipes belonging to the said Company, to be separated from the said Aqueducts or Main Pipes or common Service Pipes, and to cause the Water to be stopped from issuing or running into the Houses, Buildings, or other Premises of every Person making such Default; and the Costs and Expences of removing such Pipes and stopping such Water may also be levied by Distress as aforesaid, with the Costs of making the Distress, together with the Rent or Sum in arrear, or such Rents or Sums of Money and Costs as aforesaid, with the Costs of Suit, may be recovered in any of Her Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case.

Dividends to be declared at the annual General Meeting.

LXXXIX. And be it further enacted, That it shall be lawful for the said Company hereby established, at any General or Special General Meeting, or some Adjournment thereof, from Time to Time to call for and examine all or any of the Accounts of the said Company; and at every annual General Meeting which shall be held on the First *Thursday* in the Month of *June* in each Year, or within Fifteen Days next after, or some Adjournment thereof, a Dividend or Dividends shall be made (unless such Meeting shall declare otherwise) out of the Interests, Profits, or Advantages of the said Undertaking, after deducting all necessary and incidental Charges, Disbursements, and Expences; and such Dividend or Dividends shall be at and after the Rate of such a Sum *per Centum* upon or for any Share in the said Undertaking as such Meeting or Meetings shall think fit to order and determine, not exceeding Ten Pounds *per Centum* or *per* Share on the Monies expended, and the same shall be paid to the respective Proprietors by the Treasurer of the said Company, but no Dividend shall be paid, in respect of any Share or

Shares

Shares for which all Calls for Money then made in respect thereof by virtue of this Act shall not have been paid, until after such Arrears shall be fully paid.

If Profits exceed 10*l.* per Cent. on Capital the Water Rents to be reduced.

XC. Provided always, and be it further enacted, That if it shall appear at the Time of declaring any Dividend among the Proprietors of Shares in the said Undertaking that the clear Profits of the said Company hereby established, after deducting and providing for all necessary and incidental current Charges, Disbursements, and Expences, shall at any Time be more than sufficient to pay a Dividend amounting to Ten Pounds *per Centum* upon the Monies subscribed, reckoning the Payments on the present or original Shares at Eighty-four Pounds each, then and in such Case a Reduction shall be immediately made in the Amount of the Water Rents payable during the Year then next ensuing, which Reduction shall be at least equal in the whole to the Amount of such Surplus; and such Reduction shall be made in such Manner as to benefit all Parties paying such Water Rents, in just and equal Proportions according to the Amount of their respective Rents: Provided nevertheless, that such Reduction shall not be made to the Prejudice of any Works that may be necessary for maintaining or extending the Mains, Pipes, or other Works of the said Company, so as to carry the Purposes of this Act into full Effect, nor before the whole Amount of Money borrowed under the Authority of this Act shall have been first paid off and discharged.

Cisterns and Ball-cocks to be provided.

XCI. 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 hereby established, or their Committee, provide a 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 or her Consumption; and he or she is or are hereby required to provide a Ball and Stopcock, and, under the Superintendence and subject to the Directions of the Surveyor, Plumber, or other Officer of the said Company, and not otherwise, 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 supplied with Water by virtue of this Act shall (on being required to do so as aforesaid) neglect to provide such Cistern or Cisterns, and also a Ball and Stopcock, 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 Committee, or any Person acting by virtue of or under the Authority of the said Company or Committee, to cut off the Pipe and turn off the Water, by such Ways and Means as to him shall seem right or proper, from the House, Building, or other Premises of every such Person, until

such Cistern or Cisterns and Ball and Stopcock shall be provided, and such Ball and Stopcock added and fixed in manner aforesaid.

Penalty on Persons not repairing Pipes, &c.

XCII. And be it further enacted, That if any Person whose House, Building, or Premises shall be supplied with Water by the said Company hereby established shall negligently suffer any of his Pipe or Pipes, or Cock or Cocks attached thereto, which shall communicate with any of the Reservoirs, Aqueducts, or Pipes of the said Company, or any Cistern or other Receptacle for such Water, to be out of repair so as to let the Water run waste and useless, or if any Person shall neglect to repair any such Pipe or Pipes, or Cock or Cocks, Cistern or Receptacle for Water, and to put the same in a proper State and Condition, so as to prevent any Waste of Water, within Twenty-four Hours after being required so to do by the said Company or their Committee, or by any of their Agents or Workmen, it shall and may be lawful to and for the said Company or their Committee to cause the said Pipes and Cocks or Cistern to be repaired; and the Expences attending the same shall be payable by such Person so allowing any of his or her Pipes or Cocks or Cisterns to be out of repair as aforesaid, and recoverable in like Manner as is provided for the Recovery of Rent as herein mentioned.

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

XCIII. And be it further enacted, That it shall and may be lawful to and for the Engineer, or any other Person acting by or under the Authority of the said Company hereby established, or of their Committee, between the Hours of Ten in the Forenoon and Four in the Afternoon, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company; or if the Pipes, Cocks, Cisterns, or other Receptacles for Water supplied by the said Company are defective, or made not conformable to the Provisions of this Act, or to the Agreement with the said Company, or if any other Offence against this Act be committed therein, and if such Engineer or other Person acting by or under the Authority of the said Company or their Committee shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, Land, 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 or their Committee to cut and turn off the Water supplied by the said Company from such House, Building, or other Premises.

Penalty for not supplying Water to Inhabitants.

XCIV. And be it further enacted, That in case the said Company hereby established shall wilfully refuse or neglect to supply a sufficient Quantity of Water for the domestic Uses of any of the said Inhabitants occupying any private Dwelling House in any Street or Lane or Passage within the Limits of this Act through which the Pipes of the said Company shall be laid, at the Rate in this Act mentioned, for the Space of Seven Days, (after Demand in Writing shall have

been made by such Inhabitant to the Clerk or Clerks or Engineer of the said Company for the Time being for such Supply of Water, and Tender made to such Clerk or Clerks or Engineer of the Amount of the Rate for One Year for such Supply, and after proper Branch or Service Pipes, Cisterns, Stopcocks, and other necessary Apparatus for the Purpose shall have been provided, laid, and placed, under the Superintendence and Direction of the Surveyor, Plumber, or other Officer of the said Company, at the Costs and Charges of such Inhabitant,) 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 Hand and Seal or Hands and Seals of any Justice or Justices of the Peace acting for the said County Palatine of *Lancaster*, by Distress and Sale of the Goods and Chattels of the Treasurer 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: Provided always, that if Three Days Notice shall be given to the said Company of the Intention of any Person to provide, lay, place, or fix any Branch or Service Pipe, or Ball or Stopcock or Cistern, as herein-before mentioned, specifying the Day and Hour (being in the Daytime) when the same is to be done, and no Officer or Person on behalf of the said Company shall then attend to superintend or direct the fixing or placing thereof as aforesaid, then the same may be done without such Superintendence or Direction on the Day specified in such Notice.

Requiring the Company to fix Fire Plugs.

XCV. And be it further enacted, That the said Company hereby established shall and they are hereby required, at the Time of laying down, in any Highway, Turnpike Road, Street, or other public Place within the Limits of this Act, any Main Pipe for supplying such Highway, Turnpike Road, Street, or Place with Water, to fix, and from Time to Time to repair or renew, Fire Plugs in such Highway, Turnpike Road, Street, or Place, for the Supply of Water in extinguishing Fire; and as soon as any such Fire Plug shall have been finished the said Company shall immediately deposit a Key of such Fire Plug at each Place within the Limits of this Act where any Engine shall be kept for extinguishing Fire, and affix a public Information or Notification in some conspicuous Place by the Side of the said Road, Street, or Place, to denote the Situation and Distance of such Fire Plug.

Water to be used in extinguishing Fires.

XCVI. And be it further enacted, That it shall be lawful for any Person whomsoever at all Times to take, use, and employ the Water which shall be contained in or supplied by any of the Waterworks of the said Company hereby established in extinguishing any Fire which may happen to any Buildings, Premises, or Property within the Limits of this Act, without making any Satisfaction or Compensation for such Water: Provided always, that the said Company shall

shall not be answerable or liable for the Damage occasioned by any such Fire by reason of any Deficiency in the Supply of Water from the Works of the said Company.

Penalties for Frauds in the Use of Water, or causing the same to run to waste.

XCVII. And be it further enacted, That if any Person or Persons supplied with Water by virtue of this Act shall, without the Consent of the said Company hereby established, suffer any other Person to put, fix, or place any Pipe or other Matter or Thing for the Conveyance of Water to communicate with any Pipe, Cistern, or Receptacle for Water in his, her, or their Houses, Buildings, or Premises, supplied with Water by the said Company; or if any Person or Persons supplied with Water by the said Company shall suffer any other Person, not having agreed with the said Company for a Supply of Water under this Act, or not paying Rent for the same, to, or if any Person not having agreed with the said Company for a Supply of Water, or not paying Rent for such Supply, shall take or use any Water from any Pipe, Cock, Drain, Conduit, Aqueduct, Well, Cistern, Reservoir, or other Receptacle for Water, supplied with Water by the said Company; or if any Person shall wilfully or designedly let off, discharge, or cause to run to waste any Water supplied by the said Company from the Pipe, Cock, Cistern, or other Receptacle for Water of any Person or Persons whomsoever, or let off, discharge, or cause to run to waste any Water from any Reservoir, Cistern, Aqueduct, Pipe, or other Waterwork of the said Company, every such Person shall for each Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered as herein-after provided; and every such Offender shall also pay, in addition to such Penalty, the full Amount of any Damage which shall be thereby sustained by the said Company; and it shall also be lawful for the said Company to take away the Supply of such Water from the House, Building, or Premises of any Person permitting any such fraudulent or improper Supply of Water as aforesaid.

Penalty not to be imposed for Use of Water in Cases of Fire.

XCVIII. Provided always, and be it further enacted, That nothing herein-before contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty or Forfeiture for permitting any other Person or Persons to take and use any such Water, or to subject any Person to any Penalty or Forfeiture for taking or using any such Water, for extinguishing any Fire whatsoever, or for preventing any Fire from communicating to any House, Barn, or other Building, or any Rick or Stack of Hay, Corn, or other Produce, or any Waggon, Cart, or Carriage, or the Loading thereof; provided that as little Damage as may be shall be done to the Reservoirs, Cisterns, Aqueducts, Pipes, Drains, or Works of the said Company hereby established by or in procuring the Water for the Purposes 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 for the Protection of whose House, Barn, Building, Rick or Stack, Waggon, Cart, or other Carriage, from Fire, such

such Water shall have been used: Provided also, that no Person supplied with Water under Agreement with the said Company shall be liable to any Penalty or Payment for supplying any other Person or Persons who is or shall be 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 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.

Penalty for fouling Water.

XCIX. And be it further enacted, That if any Person whomsoever shall bathe in any of the Wells, Cisterns, or Reservoirs of the said Company hereby established, 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, or any Yarn, Cotton, Cloth, Wool, Skins, or Leather, or any Carcase, Carrion, Offal, Dung, Filth, Dirt, or other noisome or offensive Matter or Thing therein, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain, or condensing Water, or Water from any Steam Engine or Steam Boiler, to run or be conveyed into any of the Wells, Cisterns, or Reservoirs, Pipes or Conduits, of the said Company, or otherwise wilfully soil, foul, or render noisome or impure, or cause or procure so to be, the Water running to or contained in any such Wells, Cisterns, or Reservoirs, Pipes or Conduits, every such Person shall for each Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for wilfully damaging Company's Works.

C. And be it further enacted, That if any Person shall wilfully or maliciously break, throw down, injure, damage, or destroy any Wells, Cisterns, Reservoirs, Aqueducts, Drains, Pipes, Plugs, Cocks, or other Works, Matters, or Things, made or provided or to be made or provided for the Purposes of the Undertaking, for supplying the said Town and Neighbourhood with Water, then and in every such Case the Person so offending shall for each such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, besides paying the full Amount of the Damage thereby done or occasioned to the said Company.

A Board specifying the Penalties imposed by this Act to be put up in some conspicuous Place in the Town.

CI. Provided always, and be it further enacted, That the said Company hereby established shall and they are hereby required to provide a Board, and to cause to be painted thereon, in legible Characters, Specifications of the several Offences for which any Penalty is by this Act imposed, and of the Amount of the Penalty to which any Offender is by this Act subjected in respect of each such Offence, and shall cause such Board, with such Specifications painted thereon, to be put up and affixed on the Public Office or some other conspicuous Place in the said Town of *Rochdale;* and in case such Board shall become decayed or defaced, or the Letters or Figures thereon shall be obliterated, the said Company shall from Time to Time restore the same or cause the same to be restored and kept legible; and no Penalty by this Act imposed shall be payable or recoverable until such Board as aforesaid shall have been and shall continue to be provided, put up, and affixed as aforesaid: Provided always, that if any Person shall pull down or break or deface

any such Board so put up or affixed, or shall obliterate any of the Letters or Figures thereon, every such Person shall forfeit and pay for each Offence any Sum not exceeding Five Pounds, and shall also pay and defray the Expences attending the restoring of the same, to be recovered and levied as any Penalty by this Act imposed may be recovered and levied.

In case of Nonpayment of Compensation for Damages the same to be levied by Distress.

CII. And be it further enacted, That when and so 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 every 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 o 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 such Distress and Sale, then and in every 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.

CIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom every 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 hereby established, or other Person sustaining such Damage or Injury.

Justices may proceed by Summons in the Recovery of Penalties.

CIV. 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 in Writing 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.

CV. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act 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 said County Palatine of *Lancaster*, 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 or 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 and 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 Poor of the Parish, Township, or Place where the Offence shall have been committed; 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 otherwise, that he hath 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

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 said County, 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 to be committed to the Common Gaol or House of Correction for the said County Palatine of *Lancaster*, 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.

Compelling Witnesses to attend.

CVI. 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 accused, shall, on being paid or tendered a reasonable Sum for his 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 Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or, in the 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, to be recovered and levied in manner aforesaid.

For securing Offenders whose Names and Residences are not known.

CVII. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company hereby established, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him before some Justice for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Form of Information and Conviction:

CVIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

‘ } BE it remembered, That on the
‘ to wit. } Day of *A. B.* of informeth
‘ me, *C. D.*, One of Her Majesty's Justices of the Peace for the
‘ County of [*as the Case may be*], that *E. F.* of
‘ [*here describe the Offence, and the Time and Place when and where*
‘ *committed*], contrary to an Act passed in the Second Year of the
‘ Reign

'Reign of Her Majesty Queen *Victoria*, intituled [*here insert the* '*Title of this Act*], which hath imposed a Forfeiture of '
'for the said Offence. Taken the Day of '
'before me

C. D.'

'
'to wit. } BE it remembered, That on the Day of in the Year of our Lord '
'*A. B.* is convicted before me, *C. D.*, One of Her Majesty's Justices '
'of the Peace for the County of of [*here describe the* '
'*Offence, and the Time and Place when and where committed*], contrary '
'to an Act passed in the Second Year of the Reign of Her Majesty '
'Queen *Victoria*, intituled [*here insert the Title of this Act*]. Given '
'under my Hand and Seal the Day and Year first above written.

'*C. D.*'

Form of Conviction.

Allowing an Appeal to the Quarter Sessions.

CIX. And be it further enacted, That if the said Company hereby established or any Person shall think themselves or himself aggrieved by any Order or Judgment or Determination of any Justice or Justices of the Peace, relating to any Question, Matter, or Thing arising under this Act, or relating to the said Undertaking, and not by this Act made binding and conclusive, then and in every such Case the said Company, by their Clerk or Clerks, in the Name of the said Company or any such Person, 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 said County of *Lancaster*, or any Adjournment thereof, first giving Ten Days Notice of such Appeal to the Person or Party 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 the said County, 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 the said County; 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 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.

Distress not unlawful for Want of Form.

CX. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

Proceedings not to be quashed for Want of Form.

CXI. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Plaintiffs not to recover after Tender of Amends.

CXII. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding committed in the Execution of this Act, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant 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 shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

For punishing Persons guilty of wilful and corrupt Perjury.

CXIII. 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 Justice of the Peace acting as such in the Execution of this Act, or before any Court of Law in any Matter arising under 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.

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

CXIV. And be it further enacted, That in all Cases wherein it may be requisite to serve any Notice or Notices upon the said Company hereby established, or any Writ or Writs or other legal Proceeding or Proceedings at Law or in Equity, the Service of a Copy personally upon the Clerk or Clerks or Treasurer of the said Company, or delivered at the Office of such Clerk or Clerks, or delivered personally to some Servant of the Company at the principal Office of the said Company, or personal Service upon any Two Members of the Committee of the said Company, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring what shall be good Service of Notices by the Company.

CXV. And be it further enacted, That in all other Cases in which it may be necessary for the said Company hereby established, or their Committee, to serve any Notice, Summons, or Demand, or any Writ or other Proceeding at Law or in Equity, upon any Person or Corporation or Commissioners, personal Service thereof upon any such Person, or upon some Member of the Corporation, or upon One of the Commissioners, or upon the Clerk or other Officer of such Corporation or Commissioners, or delivering the same at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person, Corporation, or Commissioners, (as the Case may be,) except in Cases where any other

other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication, need not be sealed, but may be signed by the managing Agent, Clerk or Clerks, for the Time being of the said Company, on behalf of the said Company or Committee, and may be in Writing or Print, or partly in Writing and partly in Print; and every Affidavit of Debt may be made by the managing Agent or Book-keeper for the Time being of the said Company, or by any Member of the Committee for the Time being.

Abstract of Accounts to be transmitted to the Clerk of the Peace.

CXVI. And be it further enacted, That an annual Account in abstract shall be prepared of the total Receipts and Expenditure of all Funds to be levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited by and certified by Three or more of the Committee of Management of the said Company hereby established; and a Copy of such annual Account shall be transmitted, free of Charge, to the Clerk of the Peace for the said County of *Lancaster*, on or before the First Day of *January*, or within Thirty Days afterwards, in each Year; and in case of Neglect the said Company shall for each Offence forfeit and pay the Sum of Twenty Pounds, to be recovered, levied, and applied in like Manner as any Penalty or Forfeiture payable by the said Company may, under the Powers or Provisions of this Act, be recovered, levied, and applied; and the said Clerk of the Peace shall be entitled to a Fee of Five Shillings for receiving and filing the aforesaid Copy of such Account, and the same shall be open at all seasonable Hours to the Inspection of the Public, upon Payment of a Fee of One Shilling for each such Inspection.

Construction of certain Words in this Act.

CXVII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall comprise and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and apply to Females as well as Males; and the Word "Corporation" shall be understood to include any Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, and to extend to and include all Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate or Sole, as well as an Individual and Individuals; and the Word "Lands" shall extend to and be understood to include Messuages, Tenements, and Hereditaments, as well as Lands and Land; unless it be in any of the Cases aforesaid otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

CXVIII. 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.

The

The SCHEDULE to which the Act refers.

For laying Mains or Pipes in and through Land (in the Township of Wardleworth) laid out as a Street forming or intended to form a Continuation of John Street, and extending to the River Roach, and belonging to John Smith Entwisle, Esquire, and to George Walmsley and James Evan Baillie, as Trustees for Hugh Duncan Baillie and Mary his Wife, and thence through or across the said River, and in and through Land (in the Township of Castleton) held upon Lease under the Vicar of Rochdale, to another new laid out Street called or intended to be called Water Street.

Also for laying Mains or Pipes in and through Land (in the said Township of Castleton) laid out as a Street called or intended to be called Water Street as aforesaid, and commencing at the Terminus of the aforesaid Extension of John Street, and extending to Drake Street, and also held upon Lease under the Vicar of Rochdale.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1839.