ANNO SEXTO

# GEORGII IV. REGIS.

## *Cap.* lxviii.

**An Act for better supplying with Water the Town and Township of *Stockport*, and the Township of *Brinnington*, and several other Townships adjoining thereto, in the Counties Palatine of *Chester* and *Lancaster*.** [20th *May* 1825.]

WHEREAS the Inhabitants of the Town and Township of *Stockport*, and of the several Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley*, and *Cheadle Moseley*, in the County Palatine of *Chester*, and the several Townships of *Heaton Norris* and *Reddish*, in the Parish of *Manchester* in the County Palatine of *Lancaster*, are not at present well or conveniently supplied with Water; and the said Town and Townships have of late Years become considerably more populous, and are now much increasing in Houses and other Buildings, and for Want of a sufficient Supply of Water for domestic and other Purposes, the Inhabitants thereof are subject to much Inconvenience, and liable to great Danger in Cases of Accidents by Fire; but which Inconvenience and Danger might be prevented, and the Lives and Property of the Inhabitants of the said several Townships better preserved and protected, if a constant Supply of Water were obtained: And whereas *Peter Marsland* Esquire, is the Owner of certain Cotton Mills and Premises in *Stockport* aforesaid, called *The Park Mills*, and also of certain other Mills and Premises adjoining thereto, called *The Ancient Corn Mills*, formerly belonging to the Manor and Barony of *Stockport* aforesaid, and is entitled to

divert the Water of the River *Mersey* from a certain Place in *Stockport* aforesaid, called *The New Bridge*, to the said Mills and Premises; and the said *Peter Marsland* is also the Owner of certain Mills and Premises situate in *New Bridge Lane* in *Stockport* aforesaid, and of a Close of Land called *The Withens*, situate in the said Township of *Brinnington*, containing Thirteen Acres of Land or thereabouts, and of certain Estates called *The Wood Bank Estate* and *The Old Farm Estate*, situate in the said Townships of *Bredbury* and *Stockport*, and in which are several powerful Springs of Water: And whereas the said *Peter Marsland* hath a large Reservoir of Water at his said Premises called *The Park Mills*, and at a considerable Expence hath sunk for and obtained at the same Place a powerful Spring of Water, and hath erected Steam Engines, Water Wheels, Pumps, and other Apparatus to raise the same; and hath also converted the said Close called *The Withens* into a Reservoir for Water, and hath made several large Reservoirs for the like Purpose in his said Estate at *Wood Bank*, from which and from the Springs arising within the same a constant Supply of Water can be obtained: And whereas the said *Peter Marsland* is willing and desirous to undertake, at his own Costs and Charges, to supply the Inhabitants of the said Town and Townships with Water, and to effect the Purposes aforesaid; but the same cannot be carried fully and completely into Execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Peter Marsland*, for himself, his Heirs and Assigns, and his and their Agents, Officers, Servants, Workmen, and Assistants, and they are hereby empowered from Time to Time to search for, collect, divert, and raise all the Springs of Water arising within the said several Estates called *The Wood Bank* and *The Old Farm Estates*, belonging to the said *Peter Marsland*, and in other the private Lands and Grounds of him the said *Peter Marsland* in *Brinnington*, *Bredbury*, and *Stockport* aforesaid, into any Reservoir or Reservoirs already or hereafter to be made for that Purpose; and also from Time to Time to raise and convey Water from and out of the said River *Mersey* below the said Place called *The New Bridge*, and from and out of the said several Reservoirs and Springs of him the said *Peter Marsland* at the *Park Mills* in *Stockport* aforesaid, the said several Reservoirs in *Brinnington* and the *Wood Bank* and *Old Farm Estates*, and from and out of any other Reservoir or Reservoirs hereafter to be made by him the said *Peter Marsland*, his Heirs and Assigns, in the private Lands and Premises of him the said *Peter Marsland*, in the said several Townships of *Stockport*, *Bredbury*, and *Brinnington*, and convey and distribute Water from all or any of the said several Places in Pipes through the said Town and Township of *Stockport*, and the said several other Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley*, *Cheadle Moseley*, *Heaton Norris*, and *Reddish*, to the Houses, Factories, Warehouses, Workshops, Offices, and other the Buildings and Premises of the Inhabitants thereof, agreeing with the said *Peter Marsland*, his Heirs and Assigns, to be supplied with such Water; and to erect Steam Engines, Water Wheels, Pumps, and other Apparatus, and to lay Pipes and make and construct such other Works and Conveniences, and to do every other Matter and Thing necessary for conveying Water from the Places aforesaid, or any of them, for supplying the said

**Power for Mr. Marsland to collect Waters and complete the Works authorized by this Act.**

Town and Townships therewith; and for the Purposes aforesaid, the said *Peter Marsland*, his Heirs and Assigns, and his and their Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon all public and private Highways, Roads, Streets, Lanes, Passages, and Places within the said Town and Townships which he or they shall think necessary for conveying Water from the said River *Mersey*, and the said several Springs and Reservoirs or any of them, to the said Town and Townships as aforesaid, and to set out such Part thereof as shall be necessary for laying the said Pipes, and for constructing such Works and other Conveniences as aforesaid, and also from Time to Time to open, scour, cleanse, repair, and maintain the said several Reservoirs, Pipes, Works, and other Conveniences; and for the Purposes aforesaid to bore, dig, cut, trench, sough, get, remove, place, take and carry away, and use, and lay any Earth, Clay, Stones, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug and got in laying such Pipes, or in constructing such Works or Conveniences, or which may hinder, prevent, or obstruct the making, altering, laying, or constructing the same, or the using, completing and maintaining the same; and to use, examine, and employ all necessary Ways and Means for conveying and bringing a sufficient Supply of Water from the said River, Reservoirs, and Springs to the said Town and Townships for the Use of the Inhabitants thereof, and from Time to Time to repair, maintain, support, and continue the same, according to the Tenor and Effect, and true Intent and Meaning hereof; and from Time to Time to make, construct and erect, and to repair and maintain any Steam Engine, Cistern, Ponds, Basins, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead and other Metal, Cocks, Chamber Cocks, Cocks in common, Stock Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Bores, Mains, Ferriers, Feeders, Drains, Pumps, Sluices, and other Works and Devices, as he or they shall think proper; and for all or any of the Purposes of this Act, to break up and remove the Soil, Sewers, Drains, Pavements, and gravelled and other Ways of any of the present and future Roads, Highways, Streets, Squares, Lanes, Passages, and Places in the said Town and Townships respectively, and to dig and sink Trenches and lay Pipes, and put Stopcocks, Chamber Cocks, Fire Cocks, Fire Plugs, and Branches from such Pipes, in such Places, for the laying and fixing such Pipes, Conveniences, and all such other Matters and Things, in such Places, and in such Manner as the said *Peter Marsland*, his Heirs and Assigns, shall judge necessary for distributing and conveying such Water to the respective Houses, Factories, Warehouses, Workshops, Offices, and other the Buildings and Premises of the Inhabitants of the said Town and Township of *Stockport*, and the said several Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley* and *Cheadle*, *Moseley*, *Heaton Norris* and *Reddish*; and from Time to Time, as occasion may require, to alter the Position of, and to repair, relay, and maintain such Pipes, Stopcocks, and Air Plugs, and Machinery; and to do all other Acts, Matters, and Things which shall from Time to Time be necessary or proper for completing, amending, repairing, and improving, and for using the Works authorized by this Act to be done and provided for the Purposes and according to the true Intent and Meaning hereof; he the said *Peter Marsland*, his Heirs or Assigns, or his or their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to him and them hereby granted, and making Satisfaction in the Manner herein-

herein-after mentioned to all Persons interested in the said several Highways, Streets, Lanes, Lands, Tenements, Squares, and Places, for any Damage which shall be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said *Peter Marsland*, his Heirs and Assigns, and his and their Servants, Agents, and Workmen, and other Persons whomsoever, for what they or any of them shall do by virtue hereof, subject nevertheless to such Provisions or Restrictions as are herein-after contained.

**Maps, &c. deposited with the Clerks of the Peace, to remain there.**

II. And whereas Maps or Plans, describing the Situation of the said Reservoirs, and the Line of the Pipes through which the Water will flow to and from the same, and Books of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of Land respectively through which the said Pipes are intended to be carried, have been deposited at the Offices of the Clerks of the Peace for the said several Counties Palatine of *Chester* and *Lancaster*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said several Clerks of the Peace for the Time being, or their Deputies, and all Persons interested therein shall at any reasonable Time have liberty to inspect and peruse the same, and take a Copy thereof, or such Part thereof as such Person or Persons shall require, on paying to the said Clerks of the Peace, or to their Deputies, the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said *Peter Marsland*, his Heirs or Assigns, shall not, in making any Aqueduct or Basin, or in laying the said Pipes for the Conveyance of Water, or in erecting or making any Convenience for that Purpose, deviate more than One hundred Yards from the Line or Course of the said Pipes so described in the said Plans, without the Consent and Approbation in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made.

**Houses, &c. not to be injured, or Land taken, without Consent.**

III. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said *Peter Marsland*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to enter, take, use, injure, or damage, in the Exercise of any of the Powers herein contained, any House or Houses, or other Buildings, or to enter into any private inclosed Land or Ground, for the Purpose of making any Reservoir, Aqueduct, or other Works, or to break up the Ground or Soil thereof, or to take Water therefrom, or to tunnel or lay any Pipe or Pipes therein, or to raise and convey such a Quantity of Water from and out of the said River *Mersey* as thereby to prevent the Owners and Occupiers of any Manufactories or Works adjoining or near thereto from using and enjoying the Water in the said River *Mersey* in such and the same Manner as they have heretofore been accustomed to do, without the Consent of the Owner thereof for the Time being first had and obtained in Writing for that Purpose (save and except a Plot of Land in the Possession of *Robert Partington*, and a small Slip of Land belonging to the Right Honourable *Harriet* Viscountess *Bulkeley*, both in the said Township of *Stockport*): Provided also, that if the said *Peter Marsland*, shall not within the Period of Five Years, to be computed from the passing of this Act, lay the said Pipes for the Conveyance of Water, or so much thereof as he shall deem necessary for the Purposes of this Act, then

then and from thenceforth the Powers which are hereby granted to him for such Purpose only shall cease, determine, and be utterly void (save and except with the Consent of the Owners and Occupiers thereof respectively).

Bodies Politic, &c. empowered to sell and convey Lands for the Purposes of this Act.

IV. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Reservoirs, and laying the Pipes through which the Water will flow to and from the same, and other Works and Conveniences hereby authorized to be made, or any of them, or any Part thereof, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said *Peter Marsland*, his Heirs and Assigns; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said *Peter Marsland*, his Heirs and Assigns, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say),

Form of Conveyance.

'I of in consideration of the Sum of to me paid by *Peter Marsland* of in the County of Esquire, do hereby, in pursuance and by virtue of the Power in that Behalf contained in the Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], grant, release, assign, and confirm unto the said *Peter Marsland*, his Heirs and Assigns, all [*here insert the proper Description of the Lands or Hereditaments intended to be conveyed*], and all my Estate and Interest therein, to hold unto and to the Use of the said *Peter Marsland*, his Heirs and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Satisfaction to be made.

V. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons herein before capacitated to sell and

and convey Lands, Tenements, and Hereditaments, and the Owner and Owners, and Occupier and Occupiers of any Lands, Tenements, or Hereditaments through, in, or over which the said Reservoirs, Pipes, or other Works hereby authorized are intended to be made or laid, or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, or other Hereditaments, and for the Damages to be sustained in making and completing the said Works herein-before directed, in such gross Sums as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said *Peter Marsland*, his Heirs or Assigns; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said *Peter Marsland*, his Heirs and Assigns, may and shall be at liberty to enter upon, and thenceforth for ever to have, take, and enjoy the said Lands, Tenements, and Hereditaments, for the Use and Maintenance of the said Reservoirs, Pipes, and other Works; and in case the said *Peter Marsland*, his Heirs or Assigns, and the several Parties interested in any such Lands, Tenements, and Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as hereinafter is directed.

In case the Parties refuse, or are incapable to treat, the Value to be settled by a Jury, to be summoned by the Sheriff or Coroner.

**VI.** And for settling all Differences which may arise between the said *Peter Marsland*, his Heirs and Assigns, and the several Owners of or Persons interested in any Lands, Tenements, or other Hereditaments, which shall or may be taken, used, damaged, affected, or prejudiced by the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, entitled, or empowered to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for or on behalf of his, her, or their Cestuique Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them in Writing by the said *Peter Marsland*, his Heirs or Assigns, or his or their Agent, or by or on his or their Behalf, and shall give Notice thereof in Writing to the said *Peter Marsland*, his Heirs or Assigns, within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested, entitled or empowered to sell as aforesaid, shall neglect or refuse to treat, or shall not agree with the said *Peter Marsland*, his Heirs or Assigns, or with any Person or Persons authorized by him or them, for the Sale and Conveyance of their respective Estates and Interests therein, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said *Peter Marsland*, his Heirs or Assigns, to proceed in the making the said Reservoirs and other the Works aforesaid, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said *Peter Marsland*, his Heirs or Assigns, or the Person or Persons authorized by him or them as aforesaid; then and in every such Case the said *Peter Marsland*,

*Marsland*, his Heirs or Assigns, shall, and he and they is and are hereby empowered and required from Time to Time to issue a Warrant under his or their Hand and Seal or Hands and Seals, to the Sheriff of the County in which such Lands, Tenements, or Hereditaments shall lie, or the Matter in question or dispute shall arise; or in case such Sheriff or his Under Sheriff shall happen to be interested in the Matter in question, then to any one of the Coroners of the same County not interested as aforesaid; or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impannel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impannel, summon, and return not less than Twenty-four or more than Forty-eight substantial and indifferent Persons, qualified to serve on Special Juries; and the Persons so to be impannelled, summoned, and returned as aforesaid are hereby required to come and appear before the Justices of the Peace for the County in which such Lands, Tenements, or Hereditaments lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed, and to attend such General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the County wherein such Jury shall be returned or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace or his Deputy shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace or his Deputy is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in controversy; and such Jury shall upon their Oaths inquire of, assess and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, and also the separate and distinct Sum and Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said *Peter Marsland*, his Heirs or Assigns, and which can or will be no further obviated, repaired, or remedied by him or them; and the said Justices shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes,

In Default of Attendance of Jurymen, Standers-by may be returned.

Witnesses may be summoned.

Verdict and Judgment thereon to be conclusive.

Notice of the Time and Place of Meeting to be given.

Purposes, upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that not less than Fourteen Days Notice in Writing, of the Time and Place at which such Jury are so required to be returned, shall be given by the said *Peter Marsland*, his Heirs or Assigns, to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of any such Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

Value of Lands and Damages to be ascertained separately.

VII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Tenements, and Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands, Tenements, and Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Compensation Money to be apportioned.

VIII. And be it further enacted, That the said Juries shall and they are hereby empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be so assessed as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts of Juries to be recorded.

IX. And be it further enacted, That all the said Verdicts and Judgments (being first signed by the Clerk of the Peace or his Deputy, present at the taking of such Verdicts and pronouncing of such Judgments respectively), shall be kept by the Clerk of the Peace amongst the Records of the Quarter Sessions of the said County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and also to make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

Penalty upon Sheriffs, Jurors, or Witnesses making Default.

X. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or (being of the Society of Persons called *Quakers*) to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence; then and in such Case every such Person so offending, (having no reasonable Excuse, to be allowed by the said Justices), shall forfeit and pay for every such

such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall have been deducted.

Juries to be under the same Regulations as those of the Courts at Westminster. Persons giving false Evidence subject to the Penalties of Perjury.

XI. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons, who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called *Quakers*) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Persons requesting Juries to enter into a Bond to prosecute their Complaint and pay Expences.

XII. And be it further enacted, That all and every Person and Persons who shall refuse to accept such Purchase Money, Recompence, or Compensation as shall have been offered them by the said *Peter Marsland*, his Heirs or Assigns, and shall request that the Matter in dispute shall be referred to the Determination of a Jury, shall, before the said *Peter Marsland*, his Heirs or Assigns, shall be obliged to issue out his or their Warrant or Warrants for the summoning of such Jury, first enter into a Bond to the said *Peter Marsland*, his Heirs or Assigns, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs of summoning such Jury, and of taking such Verdict; and the Expences of Witnesses, in case such Costs and Expences shall fall upon him, her, or them to be paid according to the true Intent and Meaning of this Act.

By whom Expences of Juries shall be paid.

XIII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said *Peter Marsland*, as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said *Peter Marsland*; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days after Demand made thereof from the said *Peter Marsland*, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said *Peter Marsland*, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Chester*, which Warrant any such Justice is hereby authorized and required

quired to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said *Peter Marsland*, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said *Peter Marsland*; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said *Peter Marsland*, the Costs and Charges so incurred shall be borne by the said *Peter Marsland* in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County Palatine of *Chester*, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said *Peter Marsland* as aforesaid, the Amount thereof, having been first paid by the said *Peter Marsland*, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said *Peter Marsland* from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

No Complaint to be taken notice of, unless previous Notice has been given to Mr. Marsland.

XIV. And be it further enacted, That the said *Peter Marsland*, his Heirs or Assigns, shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person or Persons to the said *Peter Marsland*, his Heirs or Assigns, or left at his or their last known Place of Abode, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or such supposed Injury or Damage shall have ceased.

Power to enter Lands upon Payment or Tender of Purchase Money.

XV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or

or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within Thirty Days after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said *Peter Marsland*, his Heirs and Assigns, and his and their Agents, Servants, and Workmen, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively, and then and thereupon the Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said *Peter Marsland*, his Heirs and Assigns, to and for the Purposes of this Act, for ever; and such Payment, Tender, or Investiture shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender, or Investment as aforesaid, it shall not be lawful for the said *Peter Marsland*, his Heirs or Assigns, or any Person acting under his or their Authority, to dig or cut into such Lands or Grounds for the Purpose of making the said Reservoirs hereby authorized to be made, or any of them, without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Mortgagees to convey.

XVI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act (not being in Possession thereof by virtue of such Mortgage or Mortgages), shall on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said *Peter Marsland*, his Heirs or Assigns, immediately convey, assign, and transfer such Mortgage or Mortgages to the said *Peter Marsland*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint, or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said *Peter Marsland*, his Heirs or Assigns, that he or they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said *Peter Marsland*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint in trust for him or them; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided

Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the Value of the Premises, to be ascertained as directed by this Act, then the said *Peter Marsland*, his Heirs or Assigns, shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage or Mortgages into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and of all and every Person and Persons in trust for him, her, or them, or any of them, shall vest in the said *Peter Marsland*, his Heirs and Assigns, and he and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said *Peter Marsland*, his Heirs or Assigns, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said *Peter Marsland*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint in trust for him or them; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in trust for them in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said *Peter Marsland*, his Heirs and Assigns, and he and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

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

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex*

*parte*

*parte* the Proprietor of the *Stockport* Water Works, pursuant to the Method prescribed by an Act made in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments settled therewith to the same, or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made. 1 G. 4. c. 35.

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

XVIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and

and approved of by the said *Peter Marsland*, his Heirs or Assigns, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less than 20*l.*

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

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

XX. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said *Peter Marsland*, his Heirs or Assigns, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said *Peter Marsland*, his Heirs or Assigns, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to any such Sum or Sums of Money, or to any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Cases of disputed Titles, the Person in Possession to

XXI. 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

any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividend or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said *Peter Marsland*, his Heirs or Assigns, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

be deemed lawfully entitled.

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

The Court of Chancery may order reasonable Expences of Purchases to be paid by Mr. Marsland.

XXIII. Provided always, and be it further enacted, That no Water Pipes belonging to the said *Peter Marsland* shall be laid down at a less Depth than Two Feet and Six Inches beneath the Pavement in any of the said Streets or Places within the said Town and Township of *Stockport*, and the said several Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley*, *Cheadle Moseley*, *Heaton Norris*, and *Reddish* (except in passing over Bridges and Vaults); and that the said *Peter Marsland* shall be subject and liable to the Payment and Discharge of all Costs and Expences to be incurred by the breaking, taking up, relaying, reinstating and making good all such Ground and Pavement in any of the said Highways, Streets, and Places within the said Town and Township of *Stockport*, and the said several Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley*, *Cheadle Moseley*, *Heaton Norris*, and *Reddish*, as shall be broken or taken up, either for the Purpose of laying down, or for repairing, relaying, and amending any Mains, Pipes, Cocks, or Plugs to be made or laid down by virtue and in pursuance of this Act, or afterwards repaired, relaid, or amended; and if the said *Peter Marsland* shall neglect to repair, reinstate, and make good such Ground and Pavement with all convenient Speed, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds, one Moiety whereof shall be paid to the Informer, and the other

Directing how Pipes shall be laid down.

Moiety

Moiety to the Poor of the Parish where any such Neglect shall happen, to be recovered by Action of Debt or on the Case in any Court of Law; provided nevertheless, that it shall not be lawful for the said *Peter Marsland*, his Heirs or Assigns, to lay any Pipe or Pipes, or other Apparatus for conveying Water, or any other Articles, Matters, or Things belonging to such Water Works, over, across, or upon any public Bridge or Bridges, or within or under any Part of the Roads belonging thereto, unless such Pipe or Pipes, or other Apparatus, shall be conveyed under the Footpaths of such Bridge or Bridges and Roads, and within Brick or Stone Soughs, and such Soughs be set with Lime Mortar, and be covered with good and sufficient Flags to form Part of such Footpaths; and provided also, that the Person or Persons liable to repair and amend such Bridges shall not be subject or liable to make any Recompence or Satisfaction for or by reason of any Injury, Damage, Interruption, or Inconvenience which may happen by the falling down, giving way, taking down, rebuilding, repairing, widening, amending, or improving such Bridge or Bridges, or the Approaches to the same, or for or by reason of the Supply of Water being thereby interrupted, suspended, prevented, or in any Manner injured.

Materials, &c. to be provided, to be the Property of the said Peter Marsland.

XXIV. And be it further enacted, That all the Materials of which the aforesaid Reservoirs and Cisterns shall be constructed, as well as the Pipes, Cocks, Conduits, and other Utensils, Matters, and Things furnished and provided for the Purposes aforesaid by the said *Peter Marsland*, or his Agents or Servants, at the Expence of the said *Peter Marsland*, and all the Profits, Benefit, and Advantages to arise from the said Concern, or under or by virtue of this Act, or the Power herein contained respecting the said *Peter Marsland*, shall be and be considered, to all Intents and Purposes, vested in and be the personal Property of the said *Peter Marsland*, for the Uses and Purposes aforesaid.

Workmen laying Pipes to make good the Pavenient.

XXV. Provided always, and be it further enacted, That whenever any Highway or Pavement shall be opened or taken up, either by the said *Peter Marsland*, his Heirs or Assigns, or by any other Person or Persons, for laying, taking up, or repairing any Aqueduct or Pipe by virtue of this Act, the Workmen employed in laying, taking up, or repairing any such Aqueducts or Pipes shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Ground, Pavements, and Roads, and carry away the Rubbish occasioned thereby, without any Delay, and shall in the meantime fence or guard, and affix Lamps or Lights during the Night, and all Night, at or near the Place or Places where the Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided also, that if there be any wilful or negligent Delay in the said *Peter Marsland*, his Heirs or Assigns, or in any of his or their Agents or Servants, or any other Person or Persons acting by or under his or their Authority, in filling any such Ground, or removing Rubbish, or making good such Ground, Pavement, or Roads, then and in every such Case it shall and may be lawful to and for any Owner or Occupier of the Ground, or the Trustees or Commissioners under whose Jurisdiction, Care, or Management such Pavements or Roads now are or hereafter shall be respectively, or their Surveyor or Surveyors, or any other Person or Persons acting by or under the Authority of the said Owners, Occupiers, Commissioners, or

Provision in case of Default.

Trustees

Trustees respectively, to fill in such Ground and remove such Rubbish, and to repair and make good such Ground or Pavement so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights as to him or them shall seem necessary, and that the reasonable Costs and Charges thereof shall be paid by the said *Peter Marsland*, his Heirs or Assigns; and that in default of Payment thereof for Thirty Days next after Demand shall be made by such Surveyor or other Person acting by or under the Authority of the said Commissioners or Trustees respectively, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the said several Counties of *Chester* and *Lancaster*, all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said *Peter Marsland*, his Heirs or Assigns, or such other Person or Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, (and which Warrant such Justice or Justices is and are hereby empowered to grant), and such Costs, Charges, and Expences shall be paid to such Commissioners or Trustees, or their Treasurer respectively.

Owners and Inhabitants of Houses, &c. may lay Pipes to those of Peter Marsland.

XXVI. And be it further enacted, That such of the Owners of Buildings within, or Inhabitants of the said Town and Township of *Stockport*, and the said several Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley*, *Cheadle Moseley*, *Heaton Norris*, and *Reddish*, as shall be desirous of having Water conveyed in Pipes into their Houses, Factories, Warehouses, Workshops, or other Buildings and Premises, may and are hereby authorized and empowered, at their own Expence, having first given Six Days previous Notice in Writing to the said *Peter Marsland*, his Heirs or Assigns, of his, her, or their Intention so to do, and having first obtained the Consent of the Owner or Owners, Occupier or Occupiers of any inclosed Lands or Grounds in which such Pipes shall be conveyed, to open the Ground between the said *Peter Marsland*'s Main Pipes or Aqueducts, and the respective Houses, Buildings, Brewhouses, Manufactories, Offices, Yards, and other Premises of such Owners or Inhabitants, and to lay any Leaden or other Pipe or Pipes, the Bore thereof to be of the Dimensions of Three Quarters of an Inch, without the Consent of the said *Peter Marsland*, his Heirs or Assigns, or of a greater Bore if the said *Peter Marsland*, his Heirs or Assigns, shall consent thereto, from such respective Houses, Buildings, or other Premises, to communicate with the said Aqueducts or Main Pipes, such respective Owners of Buildings or Inhabitants paying to the said *Peter Marsland*, his Heirs or Assigns, the Rates herein-after mentioned; and in case of Default in Payment of any such Rate or Rates, or Sum or Sums of Money so to be paid, it shall be lawful for the said *Peter Marsland*, his Heirs or Assigns, to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with the said Aqueducts or Main Pipes belonging to the said *Peter Marsland*, his Heirs or Assigns, to be separated from the said Aqueducts or Main Pipes, and to cause the Water from issuing or running into the said Houses, Manufactories, Buildings, or other Premises; and the Rate or Rates, Sum or Sums of Money which shall be due and in arrear from such Person or Persons to the said *Peter Marsland*, his Heirs or Assigns, shall and may be recovered by him the said

said *Peter Marsland*, his Heirs or Assigns, by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved on common Demises may by Law be recovered: Provided always, that all and every Person and Persons who shall have laid any Leaden Pipe or Pipes as aforesaid, shall be at liberty to remove and take away such Pipe and Pipes, and the Cock or Cocks belonging thereto, doing no Injury or Damage to the Pipes of the said *Peter Marsland*, his Heirs or Assigns.

**Penalty for not supplying Water to Inhabitants.**

XXVII. And be it further enacted, That in case the said *Peter Marsland*, his Heirs or Assigns, shall neglect or refuse to supply any of the said Inhabitants, occupying any private Dwelling House in any Square, Street, Close, or Lane, where the Pipes of the said *Peter Marsland* shall be laid, with Water for the Use of his or her own Family, at the Rate herein-after mentioned, for the Space of Five Days (after Demand in Writing shall have been made by such Inhabitant to the said *Peter Marsland* for such Supply of Water, and Tender made to the said *Peter Marsland* of the Amount of the Rate for One Year for such Supply), the said *Peter Marsland* shall forfeit and pay to such Inhabitant Treble the Amount of the Rate so tendered, to be levied and recovered by virtue of a Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace acting for the said County Palatine of *Chester* or County Palatine of *Lancaster* (as the Case may be), by Distress and Sale of the Goods and Chattels of the said *Peter Marsland*, and also the further Sum of One Pound for every Day the said *Peter Marsland* shall continue to refuse such Supply, to be recovered as the above-mentioned Penalty is herein-before directed to be recovered.

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

XXVIII. Provided always, and be it further enacted, That the said *Peter Marsland*, his Heirs and Assigns, shall be obliged in the Manner before directed to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House, or Part of a Dwelling House, in any Street, Square, Close, Lane, or Passage of the said Town and Township of *Stockport*, and the several Townships of *Bredbury*, *Brinnington*, *Cheadle Bulkeley* and *Cheadle Moseley*, *Heaton Norris*, and *Reddish*, where the Pipes of the said *Peter Marsland*, his Heirs and Assigns, shall be laid for conveying Water as aforesaid, for the Use of such Inhabitant's own Family, at the following Rates *per Annum*; that is to say, where the Rent of such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings; and where such Rent shall be above Twenty Pounds, and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds; and where such Rent shall be above Forty Pounds, and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds and Ten Shillings; and where such Rent shall be above Sixty Pounds, and not exceeding Eighty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such Rent shall be above Eighty Pounds, and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds and Ten Shillings; and where such Rent shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and every such Rate shall be payable according to the actual Amount of the Rent where

the same can be ascertained, and where the same cannot be ascertained, according to such Rent as such Inhabitant shall be assessed for the Poor's Rate: Provided nevertheless, that the said *Peter Marsland*, his Heirs or Assigns, 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 the said *Peter Marsland*, his Heirs or Assigns, be obliged to furnish such Supply to any Inhabitant for less than Twelve Shillings in any One Year, unless he or they shall think fit so to do; and provided further, that in the Case of Spinners, Manufacturers, Dyers, Printers, Bleachers, Hatters, Innkeepers, Alehouse Keepers, Vintners, or other Person or Persons requiring a Supply of Water for other Purposes than those of his or her own Family's Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said *Peter Marsland*, his Heirs or Assigns, in such Cases, at such Rate as shall be settled and agreed upon by the said *Peter Marsland*, his Heirs or Assigns, and such Person or Persons respectively.

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

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

**Rents payable in advance.**

XXX. And be it further enacted, That the Rents payable to the said *Peter Marsland*, his Heirs and Assigns, under and by virtue of this Act, shall and may be payable and become due in advance, immediately upon the Commencement of the Period for which the Person or Persons using the said Water may contract with the said *Peter Marsland*, his Heirs and Assigns.

**For preventing undue Waste of Water.**

XXXI. And be it further enacted, That it shall be lawful for the Engineer, or other Person or Persons acting by or under the Authority of the said *Peter Marsland*, his Heirs or Assigns, at all seasonable Times in the Day-time, upon giving Twenty-four Hours previous Notice of his or their Intention, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said *Peter Marsland*, or if the Pipes or Cocks for supplying such House, Buildings, or other Premises be in good and proper Repair; and if such Engineer, or other Person acting by or under the Authority of the said *Peter Marsland*, shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building,

Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for the said *Peter Marsland* to cut and turn off, or cause to be cut and turned off, the Water so supplied by him the said *Peter Marsland* from such House, Building, or other Premises.

**Cisterns and Stopcocks to be provided, if required by Peter Marsland.**

XXXII. And be it further enacted, That every Person or Persons supplied with Water by virtue of this Act shall, upon having One Calendar Month's Notice in Writing from the said *Peter Marsland* for such Purpose, have a Cistern for receiving Water, and in such Cistern or Receptacle for Water shall attach and fix a Ball Cock or other self-acting Cock to the Pipe conveying Water from the Reservoirs or Pipes belonging to the said *Peter Marsland* into such Cistern or other Receptacle, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern and other Receptacle shall be full; and the Person or Persons neglecting to attach and fix, and repair or renew such Ball Cock or self-acting Cock, shall forfeit to the said *Peter Marsland* any Sum not exceeding Five Pounds for every Offence; and any Person specially authorized by the said *Peter Marsland* shall have free Access in the Day-time, after having given Twenty-four Hours Notice of his Intention, to view the Premises to be supplied as aforesaid, to see that such Ball Cocks or other self-acting Cocks are kept in proper and sufficient Repair and Condition.

**Power to cut off the Water in certain Cases.**

XXXIII. And be it further enacted, That if any Person or Persons shall negligently suffer any of his, her, or their Pipe or Pipes, Drains, or Aqueducts, which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said *Peter Marsland*, or the Cocks belonging thereto, to be out of Repair, so as to let the Water run waste and useless, or shall neglect to repair the same within Twenty-four Hours after being required so to do by any of the Agents or Workmen of the said *Peter Marsland*; or if any Person or Persons shall make Default in Payment of the Water Rent agreed or fixed to be paid by such Person or Persons, by the Space of Ten Days after the same shall be lawfully demanded; or in case it shall at any Time be found necessary for the Alteration or Amendment of the Pipes or Works of the said *Peter Marsland*, it shall be lawful for the said *Peter Marsland* to cause any such Pipes, Drains, or Aqueducts, so communicating with any of the Reservoirs, Pipes, or Aqueducts of the said *Peter Marsland*, to be separated from the Reservoirs, Aqueducts, and Pipes of the said *Peter Marsland*, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts so authorized to be separated: Provided always, that whenever the said *Peter Marsland* shall cause any such Pipes, Drains, or Aqueducts which shall communicate with any of the Reservoirs, Pipes, or Aqueducts of the said *Peter Marsland* to be separated, and the Water to be stopped from issuing or running therefrom into such Pipes, Drains, or Aqueducts, by reason of any Alteration or Amendment of the Pipes or Works of the said *Peter Marsland* being necessary, the said *Peter Marsland* shall make such Alteration or Amendment, and at his own Expence restore the Communication of such Pipes, Drains, or Aqueducts, with the Reservoirs,

voirs, Aqueducts, and Pipes of the said *Peter Marsland*, and permit the Water to issue therefrom and run again into such Pipes, Drains, or Aqueducts, as soon as conveniently may be.

Penalties for hindering or injuring the said Peter Marsland's Works, or fouling the Water;

XXXIV. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said *Peter Marsland*, or his Agents, Officers, Servants, or Workmen, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities in this Act authorized or contained; or if any Person whomsoever shall wilfully and maliciously let off or discharge any Water, so that the same shall run waste and useless to the said *Peter Marsland*, or to any Person entitled thereto under an Agreement with the said *Peter Marsland*, his Heirs or Assigns, out of or from any of the Cisterns, Reservoirs, or Wells, Pipes or Aqueducts hereby authorized to be made, or shall wilfully or maliciously break, throw down, injure, damage, or destroy any Wells, Cisterns, Reservoirs, Aqueducts, Pipes, Drains, Plugs, Cocks, Works, Matters, or Things, belonging to or the Property of the said *Peter Marsland*, his Heirs or Assigns, made or to be made and provided in pursuance of this Act, or for the Purpose of the Execution of the Powers herein contained; or if any Person shall bathe in any of the Wells, Cisterns, or Reservoirs belonging to the said *Peter Marsland*, already or hereafter to be made pursuant to the Powers herein contained, or shall wade into, or wash, cast, put, or throw any live or dead Dog or Cat, or other Animal, or any Filth, Dirt, or other noisome or offensive Matter or Thing, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into any of the said Wells, Cisterns, or Reservoirs, Pipes, or Conduits, or otherwise wilfully foul or render noisome or impure, or cause or procure so to be, the Water running to or contained in any of such Wells, Cisterns, or Reservoirs, Pipes, or Conduits; or if any Person or Persons supplied with Water by virtue of this Act shall wilfully permit any other Person or Persons, not being so supplied, to take any Water at the Pipes or Reservoirs of the said *Peter Marsland*, or shall supply any such other Person or Persons with any Water from such Pipes or Reservoirs; or if any Person not paying for or having agreed to pay for a Supply of Water from the said Works, shall take or use any of the Water supplied by means of the Works of the said *Peter Marsland*, his Heirs or Assigns; then and in every such Case the Person so offending shall forfeit and pay for every such Offence, to the said *Peter Marsland*, his Heirs or Assigns, any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered as herein-after provided, besides the full Amount of the Damage sustained by the said *Peter Marsland* by the Acts or Means in respect of which such respective Penalties shall be incurred in addition thereto.

and on Persons supplied with Water supplying others; or using Water without Consent.

Exceptions.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall prevent, or be construed to extend to prevent, any of the Water supplied or collected under the Authority of this Act from being used to extinguish any Fire or Fires whatsoever that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay, Corn, or other Produce, or any Waggon, Cart, or other Carriage, or any Matter or Thing therein contained, or shall be in

Danger of so communicating; and no Person supplied with Water under the Consent of an Agreement with the said *Peter Marsland*, shall be liable to any Penalty or Payment for supplying any other Person or Persons with Water for the Purposes last aforesaid.

Fire Plugs to be placed in the Streets, &c.

XXXVI. And be it further enacted, That the said *Peter Marsland*, his Heirs and Assigns, shall, and he and they is and are hereby required, upon the carrying into and laying down any Main Pipe in any Street, Passage, or Place, for the supplying the same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs in each Street, Passage, or Place supplied with Water from such Main or Mains, for the Supply of Water for the extinguishing of Fires; and when and so soon as any such Fire Plugs shall be finished, the said *Peter Marsland*, his Heirs and Assigns, shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the Parish in which such Fire Plug shall be, wherein any Engine shall be kept for the extinguishing of Fires.

Rates may be leased.

XXXVII. And be it further enacted, That it shall be lawful for the said *Peter Marsland*, his Heirs and Assigns, to let the Rates of the said Water in whole or in parts, from Time to Time, in the Way and Manner that shall be directed by the said *Peter Marsland*, his Heirs and Assigns, subject to the Performance of such Covenants as he or they shall think fit to prescribe, and for the best Rent that can be got for the same, to such Person or Persons as shall give sufficient Security for the Performance of such Covenants, and for the sure Payment of such Rents, to be approved of by the said *Peter Marsland*, his Heirs and Assigns, provided that no Lease of such Rents be made for a longer Term than Three Years at any one Time.

Power to raise Money by Mortgage of the Undertaking.

XXXVIII. Provided always, and be it further enacted, That in case the said *Peter Marsland* shall be desirous of raising any Sum or Sums of Money which may be necessary for the Purposes aforesaid, not exceeding the Sum of Ten thousand Pounds, by Mortgage of the said Undertaking, it shall be lawful for the said *Peter Marsland* to borrow and take up at Interest all or any Part of such Sum in One Sum or more, on the Credit of the said Undertaking, and the Profits and Advantages arising or to arise to the said *Peter Marsland* by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Sums of Money), as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Hand and Seal of the said *Peter Marsland*, and shall be in the Form or to the Effect following; (that is to say),

Form of Mortgage.

'BY virtue of an Act passed in the Sixth Year of the Reign of King 'George the Fourth, intituled *An Act* [*here insert the Title of this* 'Act,] I *Peter Marsland* of Esquire, the Proprietor of the 'said Undertaking under the said Act, in consideration of the Sum 'of to me in hand paid by 'of do hereby bargain, sell, and assign unto the



'said

'said , his [*or* her, *or* their, *as the Case may be*,] Executors,
'Administrators, or Assigns, the said Water Works, and all the Works
'thereto belonging, and all and singular the Sums of Money arising and
'payable to me for Water by virtue of the said Act, and all my Estate,
'Right, Title, and Interest of, in, and to the same; to hold unto the said
' Executors, Administrators, and Assigns, until the
'said Sum of with Interest for the same after the Rate
'of *per Centum per Annum*, shall be fully paid and satisfied.
'Given under my Hand and Seal this Day of
'One thousand eight hundred and '

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

'I of in consideration Form of
'of the Sum of paid by of Transfer.
'do hereby transfer a certain Mortgage by
'to bearing Date the Day
'for securing the Sum of
'and all Interest now due and to become due thereon, and all my Right
'and Property therein, to the said his [*or* her, *or*
'their, *as the Case may be*,] Executors, Administrators, and Assigns.
'Dated this Day of in the Year of our Lord One
'thousand eight hundred and '

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the said *Peter Marsland*, his Heirs or Assigns, who shall cause a Memorial to be made thereof in the Books of the said *Peter Marsland*, kept by him or them for that Purpose; and after such Entry made, such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

XXXIX. And be it further enacted, That all the Costs, Charges, and Expences, together with lawful Interest for any Money to be advanced for the Purpose, attending the applying for, obtaining, and passing this Act, shall be paid and discharged by the said *Peter Marsland*, his Heirs and Assigns, in preference to all other Payments whatsoever. Expences of this Act, how to be paid.

XL. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication Mode of Recovery of Fines and Forfeitures.

Adjudication of One or more Justice or Justices of the Peace of the said Counties Palatine of *Chester* or *Lancaster* (as the Case may be), on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same, and to fix and mitigate the said Penalties and Forfeitures according to his or their Discretion and the Provisions in that respect herein-before contained; and the Overplus (if any) of the Money so raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods or Chattels so seized and distrained; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be paid, it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, (and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear, to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders, or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction for the County or Place wherein the Offence shall be committed, for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, or Forfeitures, Costs and Expences, shall be sooner paid and satisfied; and one Moiety of such Fines, Penalties, or Forfeitures shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish.

**For securing transient Offenders.**

XLI. And be it further enacted, That it shall be lawful for the said *Peter Marsland*, his Heirs and Assigns, or his or their Surveyor, Agent, or Servant respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to the said *Peter Marsland*, his Heirs or Assigns, or his or their Surveyors, Agents, or Servants), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice

or

or Justices of the Peace for the said County Palatine of *Chester* or *Lancaster* (as the Case may be), who shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

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

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

Proceedings not to be quashed for Want of Form.

XLIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary notwithstanding.

Distress not unlawful for Want of Form.

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

Appeal may be made to the Quarter Sessions.

XLV. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Action shall have arisen, the Person or Persons appealing having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature, Cause, and Matter thereof, to the Person or Persons appealed against, or to the said *Peter Marsland*, his Heirs and Assigns (as the Case may be), and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said several Counties Palatine of *Chester* or *Lancaster* (as the Case may be), with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon;

and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said several Counties Palatine of *Chester* or *Lancaster* (as the Case may be), and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

**Plaintiff not to recover after Tender of Amends.**

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

**Limitation of Actions.**

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

and have such Remedy for recovering the same as any other Defendant or Defendants have or hath in other Cases by Law.

Limiting the Time for the Works to be completed.

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

Directing how Notices, &c. may be served.

XLIX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said *Peter Marsland*, his Heirs or Assigns, any Notice or Notices, Writ or Writs, or other legal Proceedings, the Service thereof at the House or last known Place of Abode of the said *Peter Marsland*, his Heirs or Assigns, shall be deemed good and sufficient Service of the same respectively upon the said *Peter Marsland*, his Heirs or Assigns.

Public Act.

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

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1703