HONI SOIT QUI MAL Y PENSE
DIEU ET MON DROIT

ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. xxiv.

An Act for making and maintaining a Reservoir upon *Bradshaw Brook* in the Townships of *Turton* and *Entwisle* in the Parish of *Bolton-le-Moors* in the County of *Lancaster*, for providing a more regular Supply of Water in *Bradshaw Brook* aforesaid, and in certain Rivers connected therewith. [3d *April* 1832.]

WHEREAS the Stream or River called *Bradshaw Brook*, and the Rivers *Eagley*, *Irwell*, and *Mersey*, in the County of *Lancaster*, between the Source of the said Stream or River called *Bradshaw Brook*, and the Town of *Warrington*, are very irregular, and in rainy Seasons occasion considerable Injury to the Lands and other Property adjoining and in the Neighbourhood of the said Stream and Rivers by frequently overflowing the same: And whereas it has been ascertained by experienced Engineers, that such Irregularity as aforesaid, and the overflowing of the adjoining and neighbouring Lands and other Property, might be remedied by forming a Reservoir near the Source of the said Stream or River called *Bradshaw Brook*, by means of which the Flood Waters in rainy Seasons might be impounded, and thereby rendered available in dry Seasons for improving the Lands and other Property adjoining and in the Neighbourhood of the said Stream and Rivers, and the

Works connected therewith, and that the Navigation of the said Rivers *Irwell* and *Mersey* would be also thereby greatly improved; and that there is an eligible Situation for the Formation of such a Reservoir in a narrow Valley in the Townships of *Turton* and *Entwisle* in the Parish of *Bolton-le-Moors* in the said County of *Lancaster*, through which the said Stream or River called *Bradshaw Brook* runs, and which by a short Embankment may be made capable of containing a very large Supply of Water: And whereas it would be of great Benefit and Advantage to the Owners and Occupiers of the Lands and other Property adjoining and in the Neighbourhood of the said Stream and Rivers, and the Works connected therewith, and to the Public at large, if the above Objects were accomplished; but the Undertaking cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Robert Haldane Bradshaw*, *James Edward Bradshaw*, *Thomas Clayton*, Reverend *John Clowes*, *Thomas Hardcastle*, *Peter Richard Hoare*, *George Matthew Hoare*, *John Isherwood*, *Benjamin Rawson*, *Thomas Wright*, *Giles Ashworth*, *Peter Cort*, *John Crompton*, *Thomas Bonsor Crompton*, *William Gray*, *James Hardcastle*, *Samuel Horrocks*, *John Smith* of *Chadwick Hall*, *John Smith* of *Lever Hall*, *Joseph Yates*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby declared to be One Body Politic and Corporate by the Name of "The Commissioners of the *Turton* and *Entwisle* Reservoir," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued.

Commissioners incorporated.

Appointment of new Commissioners.

II. And be it further enacted, That in case any Commissioner hereby appointed, or hereafter to be appointed under or by virtue of this Act, shall die, or desire to be discharged, or refuse or decline or become incapable to act as a Commissioner under this Act, then and in every such Case a new Commissioner shall be elected in his Room at an annual, extraordinary, or adjourned General Meeting of the Occupiers of the said Stream and Rivers, and of the Falls to be supplied with Water therefrom, to be constituted and convened in manner herein-after mentioned; and every such new Commissioner shall have the like Powers and Authorities in all respects to act as a Commissioner in the Execution of this Act as if he had been originally appointed a Commissioner in and by this Act; but none of the Powers hereby given to the said Commissioners shall be suspended or affected by reason of any Vacancy which may occur as aforesaid not having been filled up: Provided always, that at least One Half of the Number of the Commissioners for the Time being shall be Owners in their own Right, or in Right of their Wives respectively, of some Part or Parts of the said Stream or Rivers, or the Falls supplied therefrom respectively.

Qualification of Commissioners.

III. And be it further enacted, That no Commissioner hereby appointed or to be appointed as aforesaid shall be capable of acting in the Execution of any of the Powers given in and by this Act (except

(except in giving Notice of the First Meeting of the said Commissioners, or in administering the Oath or Affirmation herein-after directed,) unless he shall be an Occupier of or Owner, either in his own Right or in the Right of his Wife, and in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Fall of Water rated and assessed or liable to be rated and assessed under this Act, (and the full annual Value of which Fall, or of the Hereditaments of which it shall form a Part, shall be Fifty Pounds at the least,) and until he shall take the Oath or Affirmation following, which any such Commissioner is hereby empowered to administer; (that is to say,)

Oath.

'I do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.'

[*Or, being one of the People called Quakers, omit the Words* 'So help me God.']

Penalty for acting before taking the Oath.

IV. And be it further enacted, That in case any Person shall (except as last aforesaid) act as a Commissioner in the Execution of this Act without being qualified as aforesaid, or before he shall have taken the said Oath or made the said Affirmation, every such Person shall forfeit and pay for every such Offence the Sum of One hundred Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, and that he has taken such Oath or made such Affirmation, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Commissioner in the Execution of this Act (except as aforesaid): Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, without being qualified as aforesaid, or before he shall have taken the said Oath or made the said Affirmation, previous to his being convicted of such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been duly qualified as aforesaid, and had taken the said Oath or made the said Affirmation according to the Directions of this Act: Provided also, that no Act or Proceeding of the said Commissioners shall be invalidated or affected by reason that One Half of their Number for the Time being may not be such Owners in their own Right or in Right of their Wives respectively as aforesaid.

Acts of Persons before Conviction to be good.

First Meeting of Commissioners.

V. And be it further enacted, That the said Commissioners shall, within One Calendar Month after the passing of this Act, or as soon thereafter

thereafter as conveniently may be, hold their First Meeting, and proceed to put the Powers hereby given to them into execution; and their said First Meeting shall be convened by public Advertisement in One *Bolton* Newspaper and One *Manchester* Newspaper, and by a Notice sent by the Post to every Commissioner hereby appointed; such Advertisement and Notice to be signed by any Two or more of the Persons hereby named as Commissioners, and to state the Time and Place of Meeting, and to be published and sent respectively Ten Days at least before the Time fixed for holding such Meeting.

Commissioners to appoint a Treasurer, Collector, Clerk, Engineers, &c.

VI. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint a Treasurer, Collector, and Clerk, and also such Engineers, Surveyors, or such other Officers as they shall think proper and expedient for the better carrying the Purposes of this Act into execution, and to give them such Salaries or Allowances as the said Commissioners may think proper, the said Commissioners always taking good and sufficient Security, and to such Extent as they shall think requisite, from every Treasurer, Collector, or other Officer who shall be appointed to receive Money or have the Care or Custody thereof, for the due accounting of all such Monies with which he may be entrusted, and for the faithful Discharge of the Trust reposed in him; and also from Time to Time to discharge and dismiss any such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, and appoint another or others in his Stead, as the said Commissioners shall think fit.

Clerk not to act as Treasurer, nor Treasurer as Clerk.

VII. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk to the said Commissioners in the Execution of this Act, or the Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer to the said Commissioners for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both Offices of Clerk and Treasurer to the said Commissioners for the Purposes of this Act, or if any Person being the Partner of any such Clerk to the said Commissioners, or the Clerk or other Person in the Service or Employ of any such Clerk to the said Commissioners, or of his Partner, shall accept the Office of Treasurer to the said Commissioners, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or a Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk to the said Commissioners, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

VIII. And

Penalty on Officers taking Fees or being engaged in Contracts.

VIII. And be it further enacted, That if any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer employed by the said Commissioners for the Purposes of this Act shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners, for and on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other account whatever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of One hundred Pounds for every such Offence to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Proceedings to be entered in a Book and signed by the Chairman; and shall be legal Evidence.

IX. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Commissioners shall be entered in a Book to be provided and kept for that Purpose, and shall be signed by the Person acting as Chairman at such Meeting; and such Orders and Proceedings when so entered and signed shall be deemed to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges and others.

Books of Accounts to be kept and be open to Inspection.

X. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct proper Books to be provided and kept by their Clerk for the Time being, in which Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for such Commissioners in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; and such Books shall at all seasonable Times be open, without Fee or Reward, to the Inspection of every Person who shall for the Time being be a Commissioner under this Act, and of every such Occupier of the said Stream, Rivers, or Falls as, under the Provisions herein-after contained, shall for the Time being be liable to be assessed to the Rates herein-after authorized to be imposed, or would be so liable if the said Reservoir hereby authorized to be made were then actually in use, and of every Mortgagee of the said Rates; and every such Commissioner, Occupier, and Mortgagee shall or may take Copies of or Extracts from the said Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit any such Commissioner, Occupier, or Mortgagee to inspect any such Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are herein-after directed to be levied and applied.

Officers to account to Commissioners whenever required.

XI. And be it further enacted, That every Officer to be appointed under this Act shall, under his Hand, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from him to the said Commissioners, or to such Person as they shall appoint;

In case of Default, summary Proceedings authorized before a Justice.

and if any such Officer shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver up to the said Commissioners, or to such Person as they shall appoint, within Ten Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any of His Majesty's Justices of the Peace for the County, City, or Place where such Officer shall have last resided or shall then reside, such Justice may and is hereby authorized and required to summon the Officer so refusing or neglecting before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, (which Oath or Affirmation such Justice is empowered to administer,) it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative the Execution of this Act shall be in the Custody and Power of such Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same asaforesaid, then and in every of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for such County, City, or Place, there to remain, without Bail or Mainprize, until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until he shall have delivered up such Books, Papers, and Writings as aforesaid, orhave given Satisfaction in respect thereof to the said Commissioners:

Provided always, that no Officer who shall be committed as before mentioned on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that the Imprisonment of any Officer shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Sureties or Securities, but such Officer and his Sureties and Securities shall remain liable for the Payment thereof in the same Manner as if such Officer had not been so imprisoned; nor shall any such Imprisonment preclude the Commissioners from bringing any Action of Account or on the Case, or filing a Bill in Equity, or taking any other Proceedings, whether legal or equitable, civil or criminal, against such Officer or his Sureties or Securities, in order to compel the furnishing of such Account as aforesaid, or by reason of the same not having been so furnished, or from bringing any Action of Trover or on the Case, or any other Action or Suit, or taking any other Proceeding, whether civil or criminal, either against such Officer or any other Person, for the Recovery of any such Vouchers, Books, Papers, or Writings as aforesaid, or on account of the Detention or withholding thereof.

Commitment of Officers not to exceed Six Calendar Months, and not to discharge Offender or his Sureties.

XII. And be it further enacted, That in case of the Death, Bankruptcy, or Insolvency of any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, before he shall have delivered up all Books, Accounts, Writings, and Papers whatsoever concerning his Office or relating to the Execution of this Act, the Executors or Administrators of every such Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer, or the Assignees of his Estate and Effects, or other Persons possessing the same or in whom the same has or have been vested, shall deliver up to the said Commissioners, or to any Person appointed by them, all such Books, Accounts, Writings, and Papers; and in case of the Nondelivery thereof for the Space of Seven Days after Demand made thereof, it shall be lawful for the said Commissioners to proceed in any of His Majesty's Courts of Record at *Westminster* against such Executors, Administrators, Assignees, or other Persons possessing the Estate and Effects which did belong to such deceased or bankrupt or insolvent Officer, for the Recovery of Damages for the Nondelivery of such Books, Accounts, Writings, and Papers, together with full Costs of Suit.

Recovery of Books from Executors, &c. of deceased Officers.

XIII. And be it further enacted, That once at least in every Year the said Commissioners shall and they are hereby required to make a just and true Statement and Account of all Sums of Money by them received and expended in the Execution of this Act, and shall cause a competent Number of Copies of every such Statement or Account to be printed, and One of such Copies to be laid before the Annual General Meeting of the Occupiers of the said Stream, Rivers, and Falls, and also One of such printed Copies to be sent by the Post, at least Fourteen Days before the Time appointed for the holding of such Annual General Meeting, to every Occupier who, under the Provisions herein-after contained, shall be qualified to attend and vote at such Annual General Meeting.

Commissioners to render Accounts annually.

XIV. And

Commissioners to make Bye Laws.

XIV. And be it further enacted, That the said Commissioners shall have full Power and Authority from Time to Time to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the holding of their Meetings, and the Regulation of their Proceedings, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Reservoir and other Works, and for regulating the Supply of Water from the said Reservoir and other Works, and for the Superintendence and Management of the Undertaking in all other respects whatsoever, and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Commissioners shall seem meet and expedient: Provided always, that none of such Rules, Orders, and Bye Laws as aforesaid be repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the Directions or Provisions of this Act: Provided also, that all such Rules, Orders, and Bye Laws, and any Alteration, Repeal, or Amendment thereof, shall be from Time to Time printed and published and distributed to and amongst all Persons interested therein, to the end that all Persons concerned therein may be acquainted with the same.

Commissioners not to be personally liable, except each for his own Defaults.

XV. And be it further enacted, That no Commissioner or Officer to be appointed under this Act shall be personally liable for any Contracts or Agreements which he may enter into in pursuance of this Act, nor for the Repayment of any Money which shall be borrowed under the Provisions herein-after contained, nor for any Penalties or Damages, Costs or Expences, which may be incurred in relation to the said Undertaking or imposed by this Act, except such Penalties, Damages, Costs, or Expences as shall be incurred by reason of his having himself acted in violation of any of the Provisions of this Act; nor shall any Commissioner be answerable for Mistakes or Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for the Receipts, Accounts, or Omissions of the Treasurer, Clerk, or other Officer, nor for the Receipts or Accounts of any other Commissioner, but each Commissioner for his own Receipts and Accounts only.

Mode of convening and holding Annual General Meetings of rated Occupiers.

XVI. And be it further enacted, That an Annual General Meeting of the Occupiers of the said Stream, Rivers, and Falls shall be held at some convenient Place in the said Parish of *Bolton-le-Moors* in the Month of *July* next, and in every subsequent Month of *July*, or at such other Place and Time as shall be determined by a previous General Meeting of such Occupiers as aforesaid; and every such Annual General Meeting shall be convened by public Advertisement in One *Bolton* Newspaper and One *Manchester* Newspaper, and by a Notice sent by the Post to every Occupier who, under the Provisions herein-after contained, shall be qualified to attend and vote at a General Meeting; such Advertisement and Notice to be signed by the Clerk of the said Commissioners, and to state the Time and Place of Meeting,

and

and to be published and sent respectively Fourteen Days at least before the Time fixed for the holding of such Annual General Meeting.

Mode of convening and holding extraordinary General Meetings.

XVII. And be it further enacted, That an extraordinary General Meeting of the Occupiers of the said Stream, Rivers, and Falls may at any Time be called by the said Commissioners, or by any Five or more of the Occupiers who, under the Provisions herein-after contained, shall be qualified to attend and vote at a General Meeting; and every such extraordinary General Meeting shall be convened by Advertisement in One *Bolton* Newspaper and One *Manchester* Newspaper, and by a Notice sent to every such Occupier as aforesaid, such Advertisement and Notice to be signed by any Two or more of the Commissioners, or by such Five Occupiers as aforesaid, and to state the Object of such extraordinary General Meeting, and the Time and Place of Meeting, and to be published and sent respectively Fourteen Days at least before the Time fixed for the holding such extraordinary General Meeting.

Annual or extraordinary General Meetings may be adjourned.

XVIII. And be it further enacted, That every such annual and extraordinary General Meeting of Occupiers may adjourn from Time to Time and from Place to Place as may be found expedient, and all such Matters and Things as might have been transacted or done at any such annual or extraordinary General Meeting may be transacted or done at such adjourned General Meeting.

Who only shall be entitled to attend such Meetings and to vote.

XIX. And be it further enacted, That the only Persons who shall be entitled to attend and vote at the said annual, extraordinary, and adjourned General Meetings of Occupiers, shall be the Persons who, under the Provisions herein-after contained, shall for the Time being be liable to be assessed to the Rates herein-after authorized to be imposed, or would be so liable if the Reservoir hereby authorized to be made were then actually made and in use.

No Occupier to vote if in arrear with his Rate.

XX. And be it further enacted, That after the said Reservoir hereby authorized to be made shall be actually in use, no Person shall be entitled to attend and vote in Person or by Proxy at the said annual, extraordinary, and adjourned General Meetings of Occupiers, unless he shall have actually paid and satisfied all the Rates, if any, which shall for the Time being have been assessed upon him under or by virtue of this Act.

Regulations as to voting.

XXI. And be it further enacted, That at every annual, extraordinary, and adjourned General Meeting of Occupiers, every Occupier for the Time being qualified to attend and vote at such Meeting shall be entitled to a single Vote only if the Fall of Water in respect of which such Occupier shall or would be liable to be assessed as aforesaid shall be less than Six Feet, but shall be entitled to One Vote for every Three Feet of Fall if such Fall shall amount to Six Feet or upwards: Provided nevertheless, that if the Fall in respect of which such Occupier shall or would be liable to be assessed as aforesaid shall amount to more than Twenty-one Feet, such Occupier shall be entitled to One additional Vote only for each additional Ten Feet of such Fall above Twenty-one Feet; and every Occupier so qualified to attend and vote as aforesaid, being a Body Politic or Corporate, may attend and vote by its Clerk or other

Voting by Proxy allowed.

Officer usually acting on its Behalf in such Matters; and every other Occupier so qualified to attend and vote as aforesaid shall be at liberty to appoint a Proxy constituted by Writing under his Hand, every such Proxy being an Occupier qualified to attend and vote in his own Right at such Meeting; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Election, and every other Matter and Thing which shall be proposed, discussed, or considered in any such annual, extraordinary, or adjourned General Meeting of Occupiers, shall be determined by the Majority of Votes then given, whether by Principals or Proxies: Provided always, that when any Part of the said Stream, Rivers, or Falls shall be in the joint Occupation of Two or more Persons, whether as Partners, Joint Tenants, Tenants in Common, or Coparceners, they shall together be considered as One Occupier only, and shall vote by Proxy constituted as aforesaid, which Proxy may be either one of themselves or one of the other Occupiers qualified to attend and vote in his own Right.

A Chairman to be appointed at each Meeting, and to have a casting Vote.

XXII. Provided always, and be it further enacted, That at every annual, extraordinary, or adjourned General Meeting of Occupiers, one of the Occupiers present and qualified to vote shall be appointed Chairman; and such Chairman shall not only have a Vote or Votes as an Occupier or Proxy, but shall also, in case of an equal Division, have the decisive or casting Vote; and if at any Time Two or more Persons shall be proposed as Chairmen, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the said Office.

If any new Election of Commissioners is to take place at an Annual General Meeting, the Notice convening same to state it especially.

XXIII. And be it further enacted, That in case at the Time of convening the Annual General Meeting of Occupiers in any Year, any such Vacancy as aforesaid in the Number or Body of the said Commissioners shall have occurred, and no extraordinary Meeting of Occupiers shall have been convened for the Purpose of filling up the same, the Clerk of the said Commissioners shall state such Vacancy in the Advertisement and Notice convening such Annual General Meeting, and that the Election of a new Commissioner for the Purpose of filling up such Vacancy will take place at such Annual General Meeting, and such Election shall take place accordingly.

Power to Contract for the Purchase of Lands and Buildings.

XXIV. And be it further enacted, That for effecting the several Purposes and Provisions of this Act it shall be lawful for the said Commissioners and they are hereby empowered to treat, contract, and agree for the absolute Purchase of any Messuages or Tenements, Lands or Hereditaments, with any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or with any Person having any other partial or qualified Estate or Interest, Husband, Guardian, Trustee or Feoffee in Trust for charitable or other Purposes, Committee, Executor, or Administrator, or any other Trustee or Person whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person entitled in Reversion, Remainder, or Expectancy after him, if incapacitated, and for and on behalf of their Cestuisque Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or

other Person, or with any Feme Covert who is or shall be seised, possessed of, or interested in her own Right, or entitled to Dower or other Interest therein, or with any other Person whomsoever, who shall be willing to sell the same, or his Right and Interest in the same, for the Purposes of this Act; and upon Payment of the Purchase Money for any such Messuages or Tenements, Lands or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed (as the Case may be), such Messuages or Tenements, Lands and Hereditaments, may be taken and used for the Purposes of this Act, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim or Reversion, to such Messuages or Tenements, Lands or Hereditaments, and the same Messuages or Tenements, Lands or Hereditaments, shall vest in the Commissioners of the *Turton* and *Entwisle* Reservoir; and it shall be lawful for the said Commissioners to hold any such Messuages or Tenements, Lands and Hereditaments, and any Term, Right, and Interest therein so purchased, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever.

Incapacitated and other Persons authorized to sell to the Commissioners.

XXV. And be it further enacted, That for the Purposes aforesaid it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever with whom the said Commissioners are herein-before authorized to treat, contract, and agree for the absolute Purchase of any Messuages or Tenements, Lands or Hereditaments, to contract for, sell, and convey the same, and every Part thereof, unto the said Commissioners, and also to give such Consent as is herein mentioned to the Diversion by the said Commissioners of the Surplus Waters of a certain Brook called *Wayoh Brook*, and of the tributary Streams and Rivulets of *Wayoh Brook* aforesaid, and to the making and stopping up respectively of such Roads and Ways as are herein-after mentioned, and to the Diversion as herein mentioned of the Water in the said Brook called *Bradshaw Brook*, between the said intended Reservoir and a certain Weir called *Nicodean Weir*, as to such Bodies Politic, Corporate, or Collegiate, and other Persons whomsoever as last aforesaid shall respectively seem meet; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (namely,)

Form of Conveyance.

‘ I of in consideration of the Sum of to me paid by the Commissioners of the ‘ *Turton* and *Entwisle* Reservoir, do hereby, in pursuance and by ‘ virtue of the Power in that Behalf contained in an Act passed in ‘ the Second Year of the Reign of His Majesty King *William* the ‘ Fourth, intituled [*here insert the Title of this Act*], grant, release, ‘ assign, and confirm unto the said Commissioners all [*here insert ‘ the proper Description of the Messuages or Tenements, Lands or ‘ Hereditaments, intended to be conveyed*], and all my Estate and Interest therein, to hold unto and to the Use of the said Commissioners and their Successors for ever, according to the true Intent

‘ and

‘ and Meaning of the said Act. In witness whereof I have here-
‘ unto 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 Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Commissioners to make Conveyances, &c.

XXVI. And be it further enacted, That for carrying into effect the several Authorities herein given to the said Commissioners, it shall be lawful for them, by Deed or Deeds under their Common Seal, to make all such Contracts, Grants, Conveyances, and Leases as the Circumstances of the Case shall require; and all such Contracts, Grants, Conveyances, and Leases shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by any such Sale or Sales, or as shall be reserved or made payable, by way of Rent or otherwise, in any such Contract, Lease, or Conveyance, it shall be lawful for the Treasurer of the said Commissioners for the Time being to sign and give Receipts for the Money which shall be so paid; and no Purchaser, Tenant, Lessee, or other Assignee or Assignees shall be answerable or accountable for any Loss, Misapplication, or Non-application of such Money or any Part thereof.

All Purchase and other Monies received by the Commissioners to be applied as the Rates.

XXVII. And be it further enacted, That all Sums of Money which, under any of the Provisions herein-before contained, shall be had, received, and taken by the said Commissioners as the Consideration for any such Sale as aforesaid, or for any Supply of Water, or by way of Rent, Rate, or Duty, shall be applied by the said Commissioners for the same or for the like Purposes as the Money to arise from the Rates by this Act authorized to be raised is hereinafter directed to be applied.

Application of Purchase Money payable to incapacitated Persons when exceeding 200*l.*

XXVIII. And be it further enacted, That if any Money shall be agreed to be paid for any Messuages or Tenements, Lands 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 Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account “ *ex parte* the Commissioners of the *Turton* and *Entwisle* Reservoir,” pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the*

1 G. 4. c. 35.

said

said Court, and for other Purposes, and the General Orders of the said Court, 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 who would have been entitled to the Rents and Profits of the said Messuages or Tenements, Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages or Tenements, Lands or Hereditaments, or affecting other Messuages or Tenements, Lands or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Hereditaments, which shall be conveyed to, upon, and for such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages or Tenements, Lands or Hereditaments, which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined 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 who would for the Time being have been entitled to the Rents and Profits of the said Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application thereof where under 200*l.* and above 20*l.*

XXIX. And be it further enacted, That if any Money so agreed to be paid for any Messuages or Tenements, Lands or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Messuages or Tenements, Lands or Hereditaments, so purchased, taken, or used, or of his Guardian or Committee in case of Infancy or Lunacy, to be signified in Writing under their Common Seal or their respective Hands (as the Case may be), 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 Party making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating

nating and approving Parties, in order that such Principal Money and the Dividends arising thereon may be applied in manner hereinbefore 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.*

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

In Cases of doubtful Title Dividends of Money paid into the Bank to be paid to the Person last in Possession.

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

Commissioners may make and maintain Reservoir, Conduits, and Works.

XXXII. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered, upon the Site of any Messuages or Tenements, or upon any Lands or Hereditaments which shall have been purchased and paid for by them under the Authority of this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain upon the upper Part of the said Stream or River called *Bradshaw Brook*, in the said Townships of *Turton* and *Entwisle*, a competent and sufficient Reservoir, to be called the *Turton* and *Entwisle* Reservoir, for the Purpose of providing a more regular Supply of Water in the aforesaid Stream and Rivers, and to construct a proper and substantial Embankment at the South-east End of the said Reservoir,

and also to supply the said Reservoir with Water by means of the said Stream or River called *Bradshaw Brook*, and its tributary Streams and Springs; and to make or cause to be made a Conduit or Conduits from the said Reservoir, through or near the said Embankment, and thereby to divert the Water of the same Brook so as to meet and fall into the present Bed of the said Stream or River called *Bradshaw Brook*, in One or more Place or Places, at or near *Nicodean* Weir aforesaid; and also to make, form, erect, and construct, in, upon, or near the said Reservoir and Conduit or Conduits, such Flood-gates, Spill-waters, Weirs, Dams, Banks, Embankments, Drains, Sluices, and other Works as the said Commissioners shall think necessary for providing and securing a regular Supply of Water in the said Stream and Rivers, and for allowing the Escape of the Water, and for the Security, Repair, and Maintenance of the said Reservoir and Conduit or Conduits and other Works; and also to erect and build in some convenient Situation near the said Reservoir and other Works, and at all Times thereafter to keep in good Repair, a House or Houses and other necessary Buildings for the Habitation of a Person to be from Time to Time appointed by the said Commissioners as Superintendent of the said Reservoir and other Works; and such Person so to be appointed shall always be resident close to the said Reservoir and other Works, and shall have full Power and Authority (subject nevertheless to the Control of the said Commissioners) to superintend and regulate the Supply of Water in the said Stream and Rivers, and by means of the said Reservoir, Flood-gates, and other Works, to keep up and maintain a uniform Supply of Water for the said Stream and Rivers: Provided always, that no Part of the Water of the said Brook called *Bradshaw Brook*, between the said intended Reservoir and *Nicodean* Weir aforesaid, shall be diverted without the Consent in Writing of the Owners and Occupiers of that Part of the Bed of the same Brook from which such Water shall be diverted: Provided also, that the said Commissioners shall at all Times furnish from the said Reservoir and permit to flow down *Bradshaw Brook* aforesaid a Supply of Water sufficient for watering Cattle.

Power to divert the Surplus Water of Wayoh Brook, with the Consent of Owners of adjoining Property.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners (if they shall judge the same expedient or advisable) to make a Feeder or Channel, with such Catchwater Drains and other Works as shall be proper for collecting and conducting into the said Reservoir the Surplus Waters of the said Brook called *Wayoh Brook* (which at present falls into *Bradshaw Brook* aforesaid at or near *Nicodean* aforesaid), and of the tributary Streams and Rivulets of *Wayoh Brook* aforesaid, over and above what shall be sufficient for the Supply of the Mills and Machinery on the Banks of the said Brook called *Wayoh Brook*: Provided always, that the Surplus Waters of the said Brook called *Wayoh Brook*, or of the said tributary Streams and Rivulets of *Wayoh Brook* aforesaid, shall not be turned or diverted from their present Course without the Consent in Writing of the Owners and Occupiers of the Lands or Works affected thereby between the Place where such Diversion shall be made and *Nicodean* aforesaid.

XXXIV. And

Power to make necessary Roads, and to divert a certain Occupation Road.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing of the Owners and Occupiers of the Premises through which the same shall be made, to make all such Roads and Ways as they may find necessary or expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and other Persons in their Employ, to have access to the said Reservoir, Embankment, Conduit or Conduits, Feeder, and other Works, and to maintain the same, and also to stop up so much as shall be found necessary of a certain Occupation Road now used by the Owners and Occupiers of the adjoining Lands, and leading from a Place called *Batteridge*, by a Place called *Old Man's*, to certain Farms at or near a Place called *Holden Fold*, and thence into the *Bolton* and *Blackburn* Turnpike Road, and in lieu of so much of the said Occupation Road as shall be so stopped up to form another Occupation Road for the Use of the Owners and Occupiers of the said adjoining Lands, such new Occupation Road to lead from *Batteridge* aforesaid, over the said intended Embankment at the South-eastern Extremity of the said Reservoir, and by or near a certain Farm called *Over Shore Farm*, and thence near the Edge of the said intended Reservoir into that Part of the present Occupation Road aforesaid which lies between *Holden Fold* aforesaid and the *Bolton* and *Blackburn* Turnpike Road: Provided always, that no Part of the said present Occupation Road shall be stopped up until the Road to be substituted in lieu thereof shall have been formed and made fit for Use; and such substituted Road shall be an Occupation Road only for the Use of the Occupiers of the present Road, and the said Commissioners, and their Agents, Servants, and Workmen, and any other Person or Persons to be authorized by the said Commissioners; and the said Commissioners shall for ever hereafter keep such substituted Road in repair.

Present Road not to be stopped until new Road made.

Commissioners may sell Land not wanted.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, on such Terms and in such Manner as they shall think fit, absolutely to sell for Money or on perpetual Rent, or both, any Part or Parts of the Messuages or Tenements, Lands or Hereditaments, which may be purchased by them under the Authority of this Act, and to annex thereto such Right or Rights of Water, and to supply the Hereditaments so to be sold with Water from the said Conduit or Conduits, in such Manner in all respects as the said Commissioners shall think proper; and also that it shall be lawful for the said Commissioners, after having sold any such Land on perpetual Rent, to sell the said Rent to the same or any other Person.

Commissioners may contract for supplying Water from the Conduit, to be returned above Nicodean Weir,

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to contract with and undertake to supply, and to supply, with Water all such Persons as require a Supply of Water along the Course of the said Conduit or Conduits or near the same, and at such Price, Rate, or Duty for such Water as may be agreed upon by and between such Persons and the said Commissioners; the Water so supplied (the unavoidable Waste thereof only excepted) being returned into the present Bed of *Bradshaw Brook* aforesaid above the Weir called *Nicodean Weir*: Provided nevertheless, that nothing in this Act contained shall empower or authorize the said

Commissioners, or the Person or Persons who shall or may at any Time hereafter use or employ the said Water at or above *Nicodean* Weir aforesaid, to damage, discolour, impregnate, or with any Drug or deleterious Ingredient in any Manner injure the same Water, to the Detriment, Spoil, or Injury of any Person or Persons using or occupying any Fall or Falls of Water on the said Streams or Rivers below the said Weir; but that all such Person or Persons using or occupying the said Water on the said Stream or River, below the said Weir, shall have the same Right of Action and other Remedy for such Injury to such Water as if this Act had not passed, any thing herein contained to the contrary thereof notwithstanding.

Commissioners may levy Rates.

XXXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it further enacted, That One or more Rate or Rates shall be made, levied, or assessed by the said Commissioners, at yearly or half-yearly Periods, if they shall think necessary, upon all Persons who shall occupy, as herein-after mentioned, any Part of the said Stream or River called *Bradshaw Brook*, between its Exit from the said intended Reservoir and its Junction with the said River called the *Eagley*, near *Darcey Lever Hall*, (including the Occupiers of any Part of the said Conduit or Conduits to be constructed between the said Reservoir and the present Bed of *Bradshaw Brook* aforesaid,) or shall occupy, as herein-after mentioned, any Part of the said River called the *Eagley*, between the Place of its Junction with the said Stream or River called *Bradshaw Brook*, as aforesaid, and its Junction with the said River called the *Irwell*, at or near *Prestolee*, or shall occupy, as herein-after mentioned, any Part of the said River called the *Irwell*, between the Place of its Junction with the said River called the *Eagley*, as aforesaid, and its Junction with the said River called the *Mersey*, in the Township of *Flixton*, or shall occupy, as herein-after mentioned, any Part of the said River called the *Mersey*, between the Place of its Junction with the said River called the *Irwell*, as aforesaid, and the Town of *Warrington*, (be the said Stream and Rivers respectively best or most usually known or distinguished by the above or by any other Names or Descriptions,) or shall occupy, as herein-after mentioned, any Fall which shall be supplied with Water from the said Stream, Rivers, and Conduit or Conduits, or any of them.

Rates to be in proportion to the Fall occupied.

XXXVIII. And be it further enacted, That the said Rates shall be imposed on all such Occupiers as aforesaid in proportion to the Number of entire Feet of Fall of Water occupied by them respectively for the Purpose of giving Motion to any Machine or Engine, unless where the Fall shall be less than One Foot, in which Case the same shall notwithstanding be reckoned as an entire Foot.

Provision for concurrent Occupiers of Falls.

XXXIX. Provided always, and be it further enacted, That where any Two Persons shall be concurrent Occupiers, for any such Purpose as aforesaid, of any Part of the said Stream, Rivers, Conduit or Conduits, or the Fall thereof or the Water derived therefrom, the Proportion in which such Persons shall be liable to be assessed to the Rates hereby authorized to be imposed shall (in case of any Difference of Opinion on the Subject) be determined by a Majority of

Three impartial Surveyors, one to be chosen by one of such Occupiers, another by the other of them, and the third by the Two first chosen, and the Expences of such Apportionment shall be borne by such Two Persons in the Proportions in which they shall respectively be determined to be liable to be assessed to the said Rates; and in case either of such Persons shall refuse or omit, for the Space of Two Calendar Months after Notice for that Purpose given or sent to him by the other of such Persons, to appoint a Surveyor on his Behalf, it shall be lawful for the Surveyor appointed on behalf of the other of such Persons to appoint another Surveyor to act on behalf of the Persons so refusing or omitting as aforesaid, and the Surveyor so last appointed shall be as competent to act in all respects as if he had been appointed by the Person so refusing or omitting as aforesaid: Provided always, that the Rate or Rates, Assessment or Assessments, to be made in pursuance of the Determination of such Surveyor or Surveyors upon such concurrent Occupiers shall be subject to Appeal as herein-after mentioned: Provided also, that in the meantime and until such Proportion shall be either agreed upon by the Parties or determined in manner aforesaid, and shall have been actually notified in Writing to the said Commissioners, the said Commissioners shall be at liberty to assess the whole of the Rate in respect of the Part of the said Stream, Rivers, Conduit or Conduits, or the Fall thereof, or the Water derived therefrom, so concurrently occupied, upon either of the Persons so occupying the same, or upon both of them, in such Proportion as the said Commissioners shall judge proper.

Regulating the Votes of concurrent Occupiers.

XL. And be it further enacted, That each of such concurrent Occupiers shall, for the Purpose of attending and voting at General Meetings, and in all other respects, be considered as an Occupier of a Fall of Water bearing to the whole Height of the Fall of Water so concurrently occupied the same Proportion which his proportional Assessment to the said Rates under the Provisions aforesaid shall bear, or if the said Rates had actually commenced would bear, to the aggregate Assessment for the whole Fall so concurrently occupied.

The Rate or Rates assessed in any one Year not to exceed Fifty Shillings per Foot.

If Fall occupied for any Part of a Year, to be assessed for the whole current Year.

XLI. Provided always, and be it further enacted, That no Rate or Rates to be levied or assessed as aforesaid shall exceed in any One Year the Sum of Fifty Shillings for every Foot of Fall hereby made liable to be rated as aforesaid, except when necessary to provide for the Interest of any Sum or Sums of Money which may be borrowed for any Damages arising from the breaking down of the said Embankment as herein-after mentioned: Provided also, that in case any Part of the said Stream, Rivers, Conduit or Conduits, or Fall thereof, or any Water derived therefrom, shall, during any Part of the Year be so employed or applied as to become liable to be assessed to the Rates hereby authorized to be imposed, then and in every such Case the same shall continue liable to be assessed as aforesaid during the whole of the then current Year, such Year commencing on the First Day of *August* and ending on the Thirty-first Day of *July*, it not being intended that any Allowance should be made for the preceding or subsequent Fraction of a Year during which the same shall not be so employed or applied as aforesaid.

XLII. Pro-

No Rate to be imposed on the Mersey and Irwell Navigation Company.

XLII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Imposition of any Rate whatever upon the Company of Proprietors of the *Mersey* and *Irwell* Navigation, or their Successors, or upon any other Person or Persons navigating the said Rivers *Mersey* and *Irwell*, or either of them, in respect of the same Navigation, or of any Machinery or Works for the Time being employed in or about such Navigation, or any Water which now is or which shall or may at any Time or Times hereafter be used or enjoyed by the same Company or by such other Person or Persons so navigating the said Rivers or either of them, in respect of such Navigation or in anywise connected therewith.

No Rate to be assessed before Reservoir actually in use.

XLIII. Provided always, and be it further enacted, That no Rate shall be levied or assessed under the Provisions herein-before contained until the said Reservoir shall be actually made and in use, and Water supplied therefrom.

Commissioners to appoint One or more Surveyors to ascertain the Falls.

XLIV. And be it further enacted, That the said Commissioners shall be and are hereby authorized and required from Time to Time, by One or more competent and impartial Surveyor or Surveyors, to inspect and survey the whole of the said Stream, Rivers, and Conduit or Conduits between the said intended Reservoir and the said Town of *Warrington*, and the Falls supplied with Water from them or any of them, and to determine the Levels of the said Streams, Rivers, Conduit or Conduits, and Falls respectively, to the End and Intent that the said Rates may be imposed and assessed with perfect Fairness and Accuracy; and for the Purposes above mentioned it shall be lawful for such Surveyor or Surveyors from Time to Time to enter upon the Lands and Works adjoining or near to the said Stream and Rivers respectively with his and their respective Assistants.

Power of Distress in case of Non-payment of Rates.

XLV. And be it further enacted, That if any Person rated as aforesaid shall, for the Space of Ten Days after Demand made in Writing on him by the Collector or Receiver of Rates, either in Person, or left at the Mill, Machinery, Manufactory, or other Works in respect of the Fall of Water supplying which such Demand shall be made, refuse or neglect to pay any Sum of Money which shall be rated, assessed, or imposed on him under the Provisions herein contained, it shall be lawful for such Collector or Receiver, or any other Person authorized by virtue of any Warrant under the Common Seal of the said Commissioners, (which Warrant such Commissioners are hereby empowered and required from Time to Time to grant as Occasion shall require,) to levy such Sum of Money so rated, assessed, or imposed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale.

Ellis Fletcher, Esq. partially exempted

XLVI. And whereas *Ellis Fletcher* of *Clifton* in the said County of *Lancaster*, Esquire, is the Owner and Occupier of certain Collieries and Coal Mines at *Clifton* aforesaid, and at *Kearsley* in the said County, and

from Payment of Rates.

and employs the Fall of Part of the said River *Irwell*, near thereto, for working the same: And whereas the said *Ellis Fletcher* alleges that the present Supply of Water in the said River *Irwell* is sufficient for the Purposes to which the same is applied by him as aforesaid, for which Purposes he could not derive any Benefit if the Supply were regulated by Means of the said Reservoir; be it therefore further enacted, That no Rate or Rates whatever shall be imposed upon the said *Ellis Fletcher*, his Heirs, Executors, Administrators, or Assigns, under the Authority of this Act, in respect of the said Fall of Water belonging to the said *Ellis Fletcher* as aforesaid, so long as the same shall be employed in working the said Collieries and Coal Mines, or any Extension thereof, but that in case such Fall of Water, or any Part thereof, shall at any Time hereafter be applied or employed in giving Motion to any Machine or Engine for any other Purpose whatsoever than in working the said Collieries and Coal Mines, or any Extension thereof, then and thenceforth the same Fall shall become liable to be rated under the Authority of this Act.

For supplying Deficiencies in the Land Tax.

XLVII. And whereas by reason of taking down Messuages, Tenements, or Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for the Land Tax in the several Townships through which the said Reservoir, Conduit or Conduits, or other Works will pass and be situate; be it therefore enacted, That for preventing the same the said Commissioners shall, from and after the said Commissioners shall become seised or possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Tax (unless the said Commissioners shall redeem the same,) be subject and liable to pay to or in aid of the said Townships, out of the Monies to arise by virtue of this Act, all such Money as shall be deficient in the said Assessments for Land Tax within the said Townships by reason of taking down or using for the Purposes of this Act any Messuages, Tenements, or Buildings liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the said Commissioners are hereby required to pay all such Assessments, on Demand, to the Collector or Collectors of the Land Tax Assessments accordingly.

Application of Rates.

XLVIII. And be it further enacted, That the Sums of Money to be rated, assessed, and imposed, raised, levied, and received, by the said Commissioners by virtue of this Act, shall be applied, in the first place, in paying from Time to Time the Interest of the Principal Money to be borrowed by the said Commissioners in virtue of the Powers herein-after contained, and in the next place in carrying into execution the several Purposes of this Act; and the Residue thereof shall from Time to Time be applied in paying off the Principal Money so to be borrowed by the said Commissioners.

Power to borrow not exceeding 25,000*l.* on

XLIX. And for the more speedily raising Money for carrying the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow

borrow and take up at Interest, upon the Credit of the Rates to be raised and levied by them by virtue of this Act, in such Manner as they shall think proper, any Sum or Sums of Money which they shall think necessary to be borrowed, not exceeding in the whole the Sum of Twenty-five thousand Pounds, to be applied in or towards making and maintaining the said intended Reservoir and Works, and for the general Purposes of this Act; and the said Commissioners are hereby empowered from Time to Time to assign by way of Mortgage the said Rates to be raised and levied by them under or by virtue of this Act, or any Part or Proportion, Parts or Proportions thereof, as a Security to any Person or Persons who shall advance such Sum or Sums of Money, or to his or their Trustee or Trustees, and his or their respective Executors, Administrators, and Assigns, for the Principal Money so to be advanced, with such lawful Interest for the same as shall be agreed upon in that Behalf; and every such Mortgage shall be made by Deed in Writing under the Common Seal of the said Commissioners, in the Form or to the Effect following; (that is to say,)

Security of the Rates.

'BY virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, the Commissioners of the *Turton* and *Entwisle* Reservoir, incorporated by virtue of the said Act, in consideration of the Sum of of lawful *British* Money to us paid by of in the County of do hereby assign unto the said Executors, Administrators, and Assigns, such Proportion of the Rates to be raised, levied, and collected by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or be charged on the Credit of the said Rates, to hold the same unto the said Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year'

Form of Mortgage.

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Sum of Money shall be borrowed; and Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the said Commissioners; which Book or Books shall and may at all seasonable Times be perused and inspected, without Fee or Reward, by any Person interested therein.

L. And be it further enacted, That every Person to whom any such Mortgage shall be made as aforesaid, or who shall be entitled to the same, is hereby empowered from Time to Time to transfer the same, or any Share thereof, and all or any Part of the Monies due thereon, to any Person whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing, in the Form or to the Effect following; (that is to say,)

Mortgages may be transferred.

Form of Transfer.

'I in consideration of the Sum of to me paid by do hereby transfer the within Mortgage [*or* 'a certain Mortgage made to me by the Commissioners of the *Turton* 'and *Entwisle* Reservoir], bearing Date the Day of and the Principal Sum of 'thereby secured, and the Interest now due and hereafter to become due for the same, and all my Right and Property therein, unto the said his Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal this Day of in the 'Year .'

Or in any other Form or to any other Effect which may be better adapted to the Circumstances under which any such Transfer may be made; and every such Transfer shall, within Thirty Days next after the Date thereof, be produced and notified to the Clerk of the said Commissioners, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, such Memorial to contain the Dates, the Names of the Parties, and the Sums of Money therein transferred; for which Entry the said Clerk shall receive the Sum of Two Shillings and Sixpence, and no more; and after such Entry shall be made, but not before, such Transfer shall entitle the Assignee therein named, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and Interest Money thereby secured; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person, except the Person to whom the same shall be last transferred, his Executors or Administrators, to make void, release, or discharge the original Mortgage, or the Monies due thereon, or any Part thereof.

For compelling Payment of Subscriptions.

LI. And be it further enacted, That every Person who has already subscribed or agreed, or who has signed his Name or signified his Consent in Writing to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money, for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this Act, and his Executors and Administrators, shall and he and they is and are hereby required to pay the Amount of such Money by such Person subscribed or agreed to be advanced, or such Part or Proportion of the Amount of such Money as shall remain unpaid or as shall from Time to Time be called for by the said Commissioners, at such Times and Places and in such Manner as shall be directed by the said Commissioners by Notice in Writing under the Hand of their Clerk; and in case any such Subscriber, his Executors or Administrators, shall refuse or neglect to pay the Amount of such Money so called for, at the Time and Place and in manner required for that Purpose, within Twenty-one Days next following, the said Commissioners are hereby empowered to sue for and recover the same in an Action of Debt or on the Case, or by Bill, Plaint, or Information, against the Person so neglecting or refusing as aforesaid, his Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*; and after Proof of such

Person having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and Execution shall issue thereupon, as the Case may require.

Persons advancing Money towards Expences of obtaining the Act to be repaid.

LII. And be it further enacted, That if any of the Persons interested in the Premises, or any other Person, shall advance and pay any Sum of Money in discharge of the Fees or Expences of obtaining this Act, and executing and forwarding the same, the Monies so paid and advanced shall be repaid and satisfied by the said Commissioners, together with lawful Interest for the same, out of the first Monies to come to the Hands of the said Commissioners by virtue of this Act.

Punishment of Persons wilfully injuring the Embankment or Works.

LIII. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking, and the Lands and Works affected thereby, demolish, break down, cut, or injure any Reservoir, Embankment, Conduit, Feeder, Sluice, Weir, Erection, Building, or other Work to be made or erected by virtue of this Act, every Person so offending, being lawfully convicted, shall be deemed guilty of Felony, and the Court before whom such Person shall be convicted may award such Punishment as the Law directs in Cases of Simple Larceny.

Compensation for Damages.

LIV. And be it further enacted, That if any Person shall sustain any Damage in his Land or Property by reason of the Execution of any of the Powers given by this Act, or by reason of the breaking down of the said Embankment or any of the Works hereby authorized to be made, or if any public Bridge or the Road belonging to the same shall be thereby destroyed or damaged, then and in every such Case full Compensation and Satisfaction shall be made by the said Commissioners for all such Damages; and in case of Nonpayment of the Amount of such Damages for the Space of Thirty Days next after the same shall be demanded, the same shall and may be recovered, together with full Costs of Suit, by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to borrow an additional Sum of Money for repairing Damages.

LV. And be it further enacted, That in order the better to enable the said Commissioners to provide for the Payment of any Damages which may arise or become payable by reason of the breaking down of the said Embankment or any of the Works hereby authorized to be made, it shall be lawful for the said Commissioners, in case the Amount of such Damages shall not be otherwise raised and paid by them, and they are hereby required, to borrow and take up at Interest, in such Manner as they shall think proper, upon the Credit as well of the Rates to be raised and levied by them by virtue of this Act, as of the Land to be purchased by them and the Works to be erected by them under the Powers herein contained, but without Prejudice to any prior Mortgage or Mortgages, such additional Sum or Sums of Money, over and above the said Sum of Twenty-five thousand Pounds herein-before authorized to be raised as aforesaid, as shall be required to pay such last-mentioned Damages, and for repairing

paring such Embankment and Works; which Mortgages shall be, as nearly as may be, in like Form and transferrable in like Manner as is herein-before provided respecting the Securities for the said Sum of Twenty-five thousand Pounds; and in order to provide for the Payment of the Interest of such additional Sum or Sums so to be borrowed as aforesaid, One or more additional Rate or Rates shall be made, levied, and assessed by the said Commissioners in manner aforesaid, sufficient to pay and to be applied in the Discharge of such Interest.

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

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

Mode of recovering Damages directed by Justice of the Peace to be paid by Commissioners.

LVII. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person acting by or under their Authority, and any such Sum of Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Commissioners, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or to their Treasurer for the Time being: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or been put unto by virtue of any such Warrant as aforesaid.

LVIII. And

Justices may proceed by Summons for the Recovery of Penalties.

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

Recovery and Application of Penalties.

LIX. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed,) shall and may be made before One Justice of the Peace for the said County of *Lancaster*, and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before him, or upon Complaint upon Oath to issue his Warrant for the Apprehension of any such Person, and upon the Appearance or Nonappearance of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice shall think proper; and upon Conviction of any Person such Justice shall and may issue a Warrant under his Hand and Seal for levying the Penalty or Forfeiture by virtue of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before such Justice, or before some other Justice of the Peace for the said County of *Lancaster*, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of

Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, when the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Commissioners, and shall be applied and disposed of towards defraying the Expences of the said Undertaking; and the Overplus if any arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Commissioners may apply Part of Penalties to reward Informers.

LX. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, if they shall think fit, to pay and apply any Part of the said Penalties and Forfeitures to and for the Use of the Informer or other Person aiding or assisting in the Apprehension of any Offender therein.

For securing transient Offenders.

LXI. And be it further enacted, That it shall be lawful for any Person who shall see any Offence committed against this Act by any Person destroying or doing any wilful Damage to the said Reservoir, Embankment, Conduit or Conduits, Feeder, or other Works by this Act authorized to be made, contrary to any of the Provisions hereinbefore contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the said County of *Lancaster*, who shall forthwith proceed against such Offender according to the Provisions in this Act contained.

Form of Conviction.

LXII. 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 in the following Form of Words, or any other Form of Words to the same Effect; (that is to say,)

'Lancaster to wit. } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or* us] [*Name and Style of convicting Justice or Justices*], for that the said [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here state the Offence against the Act according to the Fact*], contrary to the Form of the Statute made in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*]; and I [*or* we] do therefore declare and adjudge that the said [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*] [*or* shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*] *as the Case may be.*] Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year first above written.'

LXIII. And

Distress not unlawful for Want of Form.

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

Proceedings not to be quashed for Want of Form.

LXIV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Penalty on Witness not appearing.

LXV. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Charges, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker, or solemn Affirmation,) and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Officers under this Act not to be incompetent Witnesses.

LXVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates, or respecting any Matter or Thing relating to the said Undertaking, no Person acting by or under the Authority of the said Commissioners, or in the Service of the said Commissioners, shall for that Reason alone be in any manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Two Commissioners authorized to execute Releases to Witnesses, &c.

LXVII. And be it further enacted, That in all Actions and Suits at Law or in Equity, and in all Prosecutions and Proceedings, under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Commissioners, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the said Commissioners, in their own Names, for or on behalf of the said Commissioners, to make, sign, seal, execute, and deliver all such general or other Releases as may be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims or Demands which may

may be necessary to be released by the said Commissioners in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or Proceedings as aforesaid, and also to do any other Act, Matter, or Thing in any such Actions, Suits, Prosecutions, or other Proceedings, which any Plaintiff or Defendant may do in any Suits, Actions, Prosecutions, or other Proceedings; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual, in all respects and to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Commissioners.

Penalty on Persons giving false Evidence.

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

Appeal in certain Cases.

LXIX. Provided always, and be it further enacted, That any Person thinking himself aggrieved by any Order or Judgment made or given in pursuance of any Rule, Order, or Bye Law of the said Commissioners, or by any Rate, Assessment, or Distress made by or under the Direction of the said Commissioners, or by the Order or Judgment of any Justice of the Peace, in pursuance of this Act, may, within Six Calendar Months after such Order, Judgment, Rate, Assessment, or Distress shall be made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person appealing having first given at least Ten Days clear Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person appealed against, or to the Clerk of the said Commissioners (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said County in which the said Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; 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 or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace, and, if they see Cause, may mitigate any Penalties or Forfeitures, and alter any Assessment, and may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Assessment, 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.

LXX. And

Justices may amend Rate or quash the same.

LXX. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act, the Court of General or Quarter Sessions of the Peace for the said County of *Lancaster* shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

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

LXXI. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant, or left at his last or usual Place of Abode, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in such Action if Tender of good and sufficient Amends shall have been made to him or his Attorney by or on behalf of the Defendant before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Action.

LXXII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions hereinbefore given or granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Three Calendar Months next after the doing or committing of such Damages shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may at his Election plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority

of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant; and in such Case also, or if the Plaintiff shall become Nonsuit, or suffer a Discontinuance of his Action, Suit, or Information after the Defendant shall have appeared thereto, or if any Verdict shall pass against the Plaintiff, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have Costs, and shall have such Remedy for the Recovery of the same as any other Defendant hath in other Cases at Law.

Notices how to be given to Commissioners.

LXXIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve upon the said Commissioners any Notice, Writ, or other legal Proceeding, or Proceedings in Equity, the Service upon the Clerk of the said Commissioners, or left at the Office or usual Place of Abode of such Clerk, shall be deemed good and sufficient Service of the same respectively upon the said Commissioners.

Notices to be given by Commissioners.

LXXIV. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Commissioners to give any Notice to or make any Requisition upon any Person whomsoever, or to publish any Advertisement, such Notice, Requisition, or Advertisement (except where a different Method is herein-before expressly provided) shall and may be in Writing signed by the Clerk of the said Commissioners, without being required to be under the Common Seal of the said Company, or to be made under any Authority authorized by such Common Seal.

Works to be completed within Ten Years.

LXXV. And whereas the said Reservoir, Embankment, Conduit or Conduits, and other Works may be more safely and securely made and completed if the Works hereby authorized be carried into execution at Intervals of Time so as to enable the said Embankment and other Works to settle and become firm and solid: And whereas it has been estimated that the same Works may be safely and securely completed within the Space of Ten Years; be it therefore further enacted, That if the said Reservoir, Embankment, Conduit or Conduits, and other Works herein-before described and intended to be carried into effect under the Authority of this Act, shall not have been completed within the Space of Ten Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine as to all such and so much of such Works as shall not have been completed within such Time, but without Prejudice to all or any of the Rights, Powers, and Privileges as to such and so much of the said Works as shall have been completed within such Time, and also saving all such Matters and Things as shall have been transacted, and such Contracts and Agreements as shall have been made, in pursuance of the Powers herein contained, and so that the said Commissioners be not discharged from any Liability or Obligation to any Person arising out of the Provisions herein contained.

LXXVI. Pro-

Saving the Rights of the Mersey and Irwell Navigation.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Franchises, Powers, or Authorities which the Company of Proprietors of the *Mersey* and *Irwell* Navigation now have or are entitled to under or by virtue of Two several Acts of Parliament, the one of them made and passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled *An Act for making the Rivers* Mersey *and* Irwell *navigable from* Liverpool *to* Manchester *in the County Palatine of* Lancaster, and the other of them made and passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, and intituled *An Act for altering an Act passed in the Seventh Year of the Reign of His late Majesty King* George *the First, intituled* '*An Act* '*for making the Rivers* Mersey *and* Irwell *navigable from* Liverpool '*to* Manchester *in the County Palatine of* Lancaster,' *by incorporating the Proprietors of the said Navigation, and to declare their respective Shares therein to be Personal Estate.*

7 G. 1. c. 15.

34 G. 3 c. 37.

Certain Words defined.

LXXVII. And be it further enacted, That whenever in this Act Mention is made of "the Commissioners," or "the said Commissioners," the said Expressions shall be understood as describing or referring to "The Commissioners of the *Turton* and *Entwisle* Reservoir" in their Corporate Character, and not as Individuals (unless the Sense manifestly requires a contrary Interpretation); and also that throughout this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Public Act.

LXXVIII. 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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