



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 192.

An Act for more effectually supplying with Water the
Inhabitants of the Towns of *Manchester* and *Salford*,
in the Parish of *Manchester* in the County Palatine
of *Lancaster*. [20th June 1809.]

WHEREAS Sir *Oswald Mosley* Baronet, is Lord of the Manor
of *Manchester*, in the County Palatine of *Lancaster*: And
whereas the said Sir *Oswald Mosley* is possessed of and intitled
to certain Waterworks and Reservoirs anciently constructed for supplying
the Inhabitants of the Town of *Manchester* aforesaid and the Neighbour-
hood thereof, with Water from the River *Medlock* at *Holt Town*, within
Ancoats, in the Parish of *Manchester*: And whereas the Towns of *Man-
chester* and *Salford*, in the Parish of *Manchester* aforesaid, in the said
County, have of late Years become very populous, and the Number of
Houses, Buildings, and Manufactories within the same have greatly in-
creased, by reason whereof the aforesaid ancient Waterworks and Reservoirs,
according to their present Plan and Construction, are incapable of affording
a sufficient Supply of Water to the Inhabitants without considerable Ad-
ditions, Alterations, and Improvements being made therein: And whereas
the said Waterworks and Reservoirs, and the Additions, Alterations, and
Improvements to be made therein, would be better and more effectually
made, constructed, maintained, and carried on, and the beneficial Pur-
poses aforesaid more fully answered, if the same were vested in a Com-
pany of Proprietors to be united for that Purpose: And whereas the
[*Loc. & Per.*] erecting;

erecting and making of such Additions, Alterations, and Improvements in and to the said ancient Waterworks, Aqueducts, and Reservoirs, for better supplying the Inhabitants aforesaid, would tend to promote the beneficial Purposes before mentioned: And whereas Sir *George Wright* Baronet, *Samuel Hill*, *Henry Wright*, and *Richard Hill*, Esquires, and the several other Persons herein-after named, on the Application and with the Consent of the said Sir *Oswald Mosley*, are willing and desirous to undertake, and do hereby undertake, at their own Expence, to erect and make such Additions, Alterations, and Improvements, and other Works requisite and necessary for the Purposes aforesaid; but as the same cannot be effected without the 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 the said Sir *George Wright*, *Samuel Hill*, *Henry Wright*, and *Richard Hill*, together with Sir *Henry Mainwaring Mainwaring* Baronet, the Reverend Sir *John Head* Baronet, the Reverend *Rowland Hill*, *William Borradaile*, *George Bridges*, *Edmund Cotterell*, *Thomas Chatteris*, *Bryan Corcoran*, *Thomas Edwards*, *Abraham Favenc*, *Francis Freeling*, *William Forsteen*, *Samuel Gosnell*, *John Hill*, *Daniel Hinley*, *Samuel Houlston*, *John Hanks*, *Samuel Jackson*, *William Mainwaring*, *George Boulton Mainwaring*, *Richard Mytton*, *John Ord*, *Edward Penny*, *William Stones*, *John Skelton*, *John Smith*, *William Wichings*, *Thomas Twemlow*, *Francis Twemlow*, *Temple West*, *John West*, *Samuel Wright*, *Thomas Wright*, *Robert Wright*, and *Nathaniel Wright*, Esquires, and such other Person or Persons, Bodies Politic or Corporate, as they or the major Part of them present at any General or Special General Assembly to be holden for the Purposes of this Act shall nominate and appoint, and their several and respective Successors, Executors, Administrators, and Assigns, being a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking to be executed by this Act, shall be and they are hereby united into a Company for the making, completing, improving, and maintaining the said Waterworks, Aqueducts, Reservoirs, and other Works necessary for the Purposes of this Act, hereby authorized to be made, according to the Rules, Orders, and Directions herein-after expressed, and shall for that Purpose be One Body Politic and Corporate, by the Name of "*The Company of Proprietors of the Manchester and Salford Waterworks*;" and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall or may sue and be sued.

Their Style.

Power to purchase Lands, etc.

II. And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall have full Power to purchase Lands, Tenements, or Hereditaments in Fee, or for any Term or Terms of Years, and subject to any Chief or other Rent in respect thereof, or otherwise to them their Successors and Assigns, sufficient for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

The Company may raise among themselves a Sum of Money not exceeding 60,000*l*.

III. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they shall think proper, any Sum or Sums of Money, not exceeding in the whole the Sum of Sixty thousand Pounds (except

(except as herein-after mentioned), which said Sum of Money shall be laid out and applied, in the first Place, in discharging the Expences of obtaining and passing this Act, of the Plans, Surveys, and Estimates, and other incidental Expences relating thereto, and then for and towards the making, completing, improving, and maintaining the said Reservoirs and Aqueducts, and other requisite Works and Conveniencies thereto, and for otherwise carrying the several Purposes of this Act into Execution; and the said Sum of Sixty thousand Pounds shall be divided into Shares of One hundred Pounds each, and such Shares shall be, and the same are hereby vested in the several Persons and Bodies Politic, Corporate, or Collegiate so subscribing and contributing to the same, and their several and respective Executors, Administrators, Successors, and Assigns, and to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons whosoever, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums of Money as shall be called for and demanded by virtue of this Act, for carrying on and completing the said Undertaking, shall be entitled to and receive the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors, by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, and Person having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein-after directed.

IV. And be it further enacted, That all and every the Shares of and in the said Undertaking, or the Joint Stock or Fund of the said Company of Proprietors, shall be deemed and taken to be personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be
Personal
Estate.

V. Provided always, and be it enacted, That from and after the First Day of *January* next ensuing, no Proprietor shall be deemed qualified to vote, who has not possessed his or her Share or Shares, and been entered in the Books of the said Company as the Possessor and Proprietor of such Share and Shares for the Space of Two Calendar Months; and that no Proprietor who has not possessed his or her Share or Shares for the said Space of Two Calendar Months shall be entitled to vote at any General or Special Meeting of the Proprietors of the said Undertaking, under Pain of forfeiting his or her said Share or Shares to the Use of the said Company: Provided also, that no Proprietor shall be entitled to vote for any Share or Shares unless he or she possesses the same *bona fide*, and in his or her own Right, and not as the Right or Property of any other Person whomsoever, upon Pain of forfeiting the said Share or Shares to the Use of the said Company.

Proprietors
not entitled to
vote unless
possessed of
their Shares
Two Calendar
Months.

VI. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining, of the said Reservoirs and Aqueducts, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such case it shall and may be lawful

Power to raise
among them-
selves a further
Sum if neces-
sary.

lawful to and for the said Company of Proprietors to raise and contribute amongst themselves in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Fifty thousand Pounds; and every Body Politic, Corporate, or Collegiate, and every Person being a Subscriber towards raising such further or other Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by themselves, himself, or herself, in respect of every One hundred Pounds of the said additional Sum to be raised (but not exceeding Eight Votes in the Whole), and shall also be liable to such Forfeitures and stand interested in all the Profits of the said Undertaking, in Proportion to the Sum they, he, or she shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Sixty thousand Pounds, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Or by Mortgage.

VII. Provided always, and be it enacted, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Fifty thousand Pounds or any Part thereof, by Mortgage of the said Undertaking, it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest all or any Part of the said Sum of Fifty thousand Pounds on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Sums of Money), as a Security for any Sum or Sums of Money so to be borrowed, with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors in the Form or to the Effect following; (that is to say),

Form of Mortgage.

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

And all Persons to whom such Assignment shall be made shall be equally entitled one with the other to their Proportion of the said Sums and Premises, according to the respective Sums in such Assignments respectively mentioned.

mentioned to be advanced, without any Preference by reason of the Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions, of the Person or Persons to whom made, the Sum of Money borrowed and Rate of Interest, shall within Thirty Days from the Date of every such Assignment, be entered in One or more Book or Books, to be kept by the Clerk to the said Company, and shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, which Transfer shall and may be in the Form or to the Effect following; (that is to say),

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

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which Memorial the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

VIII. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid, shall be provided for and paid Half Yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided. Interest to be paid Half-yearly.

IX. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or be capable of acting or voting by virtue of such Mortgage or Assignment at any Assembly or Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment. Mortgages not to be considered as Proprietors of Shares.

Notice to be
given of Pay-
ing off Mo-
ney.

X. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage shall be paid off and discharged (save and except with the Consent of the Person or Persons so lending and advancing such Sum or Sums of Money) unless Six Calendar Months previous Notice, under the Common Seal of the said Company of Proprietors shall have been given to the Person or Persons lending and advancing such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge the same.

Shares may be
sold.

XI. And be it further enacted, That it shall and may be lawful to and for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance of which Shares shall be in the Form or to the Effect following; *videlicet*:

“ I *A. B.* in Consideration of paid to me by *C. D.* of
do hereby bargain, sell, assign, and transfer to the said *C. D.*
the Sum of Capital Stock of and in ‘ *The Manchester and*
Salford Waterworks,’ being Part [*or, the Whole, as the Case may be*]
of my Share [*or Shares*] in the said Undertaking, to hold to the said
C. D. Executors, Administrators, and Assigns, subject to the
same Rules, Orders, and Restrictions, and on the same Conditions that
I held the same immediately before the Execution hereof; and I the said
C. D. do hereby agree to take and accept the said Capital Stock or Share
subject to the same Rules, Orders, Restrictions, and Conditions. As
Witness our Hands and Seals, the Day of

And on every such Sale, the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and shall have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid to the said Clerk, and the said Clerk is hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, or any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking; but upon such Entry being made, such Purchaser shall become entitled to all the Rights, Privileges, and Advantages of a Proprietor in the said Undertaking.

No Share shall
be sold after
a Call till the
Money is paid.

XII. And be it further enacted, That after any Call of such Money shall have been made by the Directors appointed by virtue of this Act, in Manner by this Act directed, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit
of

of the said Company of Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General or Special General Assembly of the said Company in Manner by this Act directed.

XIII. And whereas in Cases where the original Subscriber or Subscribers of One or more Share or Shares in the said Undertaking shall die, become insolvent, or bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall be made of the Transfer thereof with the said Clerk, as directed by this Act, it may not be in the Power of the said Company of Proprietors, or their Treasurer or Clerk, to know who is the Owner or Owners, Proprietor or Proprietors of such Share or Shares, in order to give him, her, or them Notice or Notices of Calls made on such Share or Shares as is hereby required, and to maintain an Action or Actions, against him, her, or them for the Recovery of the same, or for the Purpose of safely paying to him, her, or them, the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it therefore enacted, That in all the Cases aforesaid, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof, as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before a Master or Masters Extraordinary in Chancery, or before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk to the said Company of Proprietors, to the Intent that he may, and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking, to be kept in the Office of the said Clerk; and that in all or any of the said Cases it shall be lawful for the said Company of Proprietors, at any General Meeting, after Three Calendar Months Notice shall have been given by the said Treasurer or Clerk, to the Proprietor or Proprietors, Person or Persons, claiming by such Affidavit to be Proprietor or Proprietors thereof, in case such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming due and payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times, at Intervals of Fourteen Days between each Advertisement, in One or more of the *Manchester* and *London* Newspapers, to declare at any General Assembly or Special General Assembly, the same Share or Shares to be forfeited; and in such Case, the same shall be and become forfeited and sold, and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the General Fund of the said Company.

For ascertaining the Proprietorship of Shares in certain Cases.

XIV. And for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein; be it further enacted, That the said Company of Proprietors shall, and they are hereby required to cause the Names and proper Additions of the several Persons who shall

Names of Proprietors, and Number of their Shares to be entered in a Book.

shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors; and after such Entry made, the said Company of Proprietors shall cause a Certificate or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the said Clerk Two Shillings and Sixpence and no more for every such Certificate or Instrument; and such Certificate or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and in case any such Certificate or Instrument shall become defaced, worn out, or damaged, or shall have been lost or destroyed, then and in every such Case, another Certificate or Instrument shall be made out and entered by the said Clerk on the same Terms and Conditions as aforesaid.

First and
other General
Assemblies.

XV. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be holden at the *Royal Oak Inn*, in the Town of *Manchester*, upon the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Eleven in the Forenoon, and all future General Assemblies of the said Company (except such Special General Assemblies as herein-after mentioned) shall be holden upon the First *Thursday* in the Months of *January* and *July* in every Year, at the Hour of Eleven in the Forenoon, at such Place or Places as the said Company of Proprietors at their preceding General Assemblies, shall from Time to Time direct and appoint, of which future General Assemblies Twenty Days previous Notice at least shall be given by publick Advertisement, to be inserted in One or more of the *Manchester* and *London* Newspapers, or in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and at such General Assemblies it shall be the Duty of the Directors of the said Company to report to the Proprietors at large, the State of the said Undertaking, and their Proceedings in carrying this Act into Execution, which Report shall be fairly entered into the Books of the Corporation, by the Clerk, and a Copy of the same be left at their Head Office, for the Perusal of the Proprietors, who shall have Access thereto during such Hours as the said Office is usually open.

Officers of the
Company and
Court of
Directors.

XVI. And be it further enacted, That the said Company of Proprietors shall, at their First General Assembly, or at any Adjournment of the same, nominate and appoint by Ballot Thirteen Persons of and out of the said Company of Proprietors, to be Directors for conducting the Business of the said Undertaking, until the General Assembly of the said Company, to be holden on the First *Thursday* in the Month of *January* then next ensuing; but no Person shall be capable of being chosen or of acting as such Director, unless he shall hold and be possessed of Ten Shares at the least in the said Undertaking: Provided always, that

that no Person holding any Place, Office, Employment, or Contract under the said Company, shall be capable of being chosen or acting as a Director during the Time of his Continuance in such Place, Office, Employment, or holding such Contract, except as herein-after mentioned.

XVII. And be it further enacted, That the said Company of Proprietors, at their General and Special General Assemblies, shall and may appoint a Chairman, and such Chairman shall not only vote as a Proprietor, but in case of an Equality of Votes, shall have the decisive or casting Vote.

Chairman to be appointed.

XVIII. Provided always, and be it enacted, That the said Thirteen Directors so nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively, by virtue of this Act, shall continue in Office until the First *Thursday* in the Month of *January* next, after such Nomination and Appointment; and on such Day Four of the said Directors shall go out of Office and cease to be Directors of the said Company; and in order to determine who of the said Directors shall go out of Office and cease to be Directors of the said Company, the Clerk of the said Company, at a Meeting of the then Directors of the said Company, Twenty-one Days at least previous to the said General Assembly, to be holden as before mentioned, shall, and he is hereby required to write upon Thirteen distinct Pieces of Paper, of equal Size, the Name of one of each of the said Directors; and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box or Wheel, and Four of such Papers shall then be drawn out of such Box or Wheel, by such Clerk, one by one; and the Four Directors whose Names shall be upon such Papers respectively so drawn, shall go out of Office, and cease to be Directors of the said Company; and the said Company shall then nominate and appoint Four other Members of the said Company, who shall severally be possessed of and entitled to Ten Shares at the least, in the said Undertaking, and such Four Persons so appointed shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act or ceasing to be qualified in Manner by this Act directed) and no longer; and on the First *Thursday* in the next succeeding Month of *January* Four more of the Directors first nominated and appointed by virtue of this Act, as Directors, or the Person or Persons nominated or appointed in his or their Room or Stead, shall go out of Office, and cease to be Directors of the said Company; and in order to determine who of the remaining Nine original Directors shall go out of Office, and cease to be Directors of the said Company; the Clerk of the said Company, at a Meeting of the then remaining Nine original Directors of the said Company, Twenty-one Days at least previous to the General Assembly to be holden in the said Month of *January* last before mentioned, shall and he is hereby required to write upon Nine distinct Pieces of Paper of an equal Size, the Name of One of each of such Nine Directors; and all such Papers shall be rolled up in the same Form, as near as may be, and put into a Box or Wheel by such Clerk; and Four of such Papers shall be then drawn out of such Box or Wheel by such Clerk, one by one; and the Directors whose Names shall be upon such Papers respectively so drawn, shall go out of Office and cease to be Di-

Subsequent Appointment of Directors (by the Proprietors) in the Room of those going out of Office by Rotation.

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rectors

rectors of the said Company; and the said Company shall then nominate and appoint Four other Members of the said Company, qualified as aforesaid, to be Directors of the said Company in the Room or Stead of such Four Directors; and such Four Persons so nominated and appointed shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed) and no longer; and on the First *Thursday* in the next succeeding Month of *January* the Five remaining Directors first nominated and appointed by virtue of this Act as Directors, or the Person or Persons nominated or appointed in his or their Room or Stead, shall go out of Office and cease to be Directors of the said Company; and the said Company shall, at their General Assembly to be holden on that Day, nominate and appoint such Five other Members of the said Company, qualified as aforesaid, to be Directors of the said Company, in the Room or Stead of such Five Directors; and such Five Persons so nominated and appointed shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed) and no longer; and on the first *Thursday* in every succeeding Month of *January* in each and every Year, Four or Five new Directors, as the Case may require, out of the Members of the said Company, qualified as aforesaid, shall be nominated and appointed by the said Company, in the Room of the Four or Five Directors whose Continuance in Office shall have expired; and such Four or Five new Directors shall continue in Office for the Space of Three Years (except in case of Death or Refusal to act, or ceasing to be qualified in Manner by this Act directed) and no longer: Provided always, that it shall and may be lawful to and for the said Company of Proprietors again to nominate and appoint any such Person or Persons, so qualified as aforesaid, and going out of Office, to be a Director or Directors of the said Company.

In case Directors not appointed on the Day mentioned, another Meeting to be had for that Purpose.

XIX. Provided also, and be it enacted, That in case on any such *Thursday* in the Month of *January* in any Year, no such Nomination and Appointment of such Four or Five Directors shall be made, then and in every such Case another Meeting of the said Company shall be holden on the *Thursday* following, for the Purpose of making such Election; and in case no such Nomination and Appointment of such Four or Five Directors shall be then made, then and in every such Case another Meeting of the said Company shall be holden on the *Thursday* following, for the Purpose of making such Election, and so *toties quoties*, until such Four or Five Directors shall be chosen; but such Four or Five Directors shall not continue in Office, or be Directors of the said Company, for any longer Space of Time than if they had been elected on the said First *Thursday* in the Month of *January* as aforesaid.

Subsequent Appointment of Directors (by the Proprietors) in the Room of those who shall die, refuse to act, or become disqualified.

XX. And be it further enacted, That in case any Person or Persons nominated and appointed by the said Company as a Director or Directors of the said Company, shall die or refuse to act in the Execution of this Act, or shall not be, or cease to be entitled to Ten Shares at the least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, then and in every such Case it shall and may be lawful to and for the said Company to nominate and appoint, at some

some Assembly of the said Company, some Person or Persons qualified as aforesaid to be a Director or Directors of the said Company, in the Room or Stead of the Director or Directors so dying or refusing to act, or ceasing to be so qualified, or holding any Place, Office, Employment, or Contract, under the same Company; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Regulations, and Restrictions, as the Person in whose Room or Stead he shall be so nominated and appointed, and shall continue in Office as a Director for such Time, and no longer than the Director, in whose Room or Stead he shall be so nominated or appointed, would have continued in Office.

XXI. And be it further enacted, That if at any such General Assembly there shall not be Ten Persons present who shall be possessed of or entitled unto at least Two Hundred Shares in the whole in the said Undertaking, such General Assembly of the said Company shall be adjourned to the next *Thursday*, to be holden at the same Place, and so from Time to Time until there shall be such Ten Persons present at such General Assembly having such Number of Shares as aforesaid; and in case of Failure of the assembling of a sufficient Number of Proprietors having such Shares at such General Assembly, every Proprietor who shall not attend such second or adjourned General Assembly, shall forfeit and pay to the said Company for every Share which he or she shall possess in the said Undertaking, the Sum of Five Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Twelve Calendar Months next after the making of such Default, then and in such Case such Penalty and Forfeiture of Five Shillings shall and may be levied and recovered by such Ways and Means as any other Penalty or Forfeiture imposed by this Act may be levied and recovered: Provided always, that it shall be lawful for the said Directors to remit any Fine or Forfeiture incurred by any Proprietor for Non-attendance at such adjourned General Assembly, if they shall think fit so to do.

General Assembly for choosing Directors to consist of 200 Shares.

XXII. And be it further enacted, That no Director shall hold any Contract, or enjoy any Place of Profit created by this Act, or be beneficially employed, or in any Manner interested or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company, except such Stone Pipes as shall be made Use of by the said Company for conveying Water and otherwise effecting the Purposes of this Act; and in case any Director shall hold any Contract, or enjoy any Place of Profit created by this Act, or shall be in any Manner beneficially employed or concerned, directly or indirectly, in supplying any Articles or Materials for the Use of the said Company, except as aforesaid, every such Director shall forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and One Moiety of such Penalty when recovered shall be paid to the Person or Persons who shall sue for the same, and the other Moiety shall

No Director, &c. to be concerned in any Contract, &c.

shall be paid to the said Company, to be applied to the Purposes of this Act; and the Person or Persons so convicted shall be absolutely disqualified from acting any longer as a Director or Directors of the said Company; and no Director interested in any such Contract, Matter, or Thing as aforesaid, except as before excepted, shall vote in any Question touching or concerning the same.

Powers to
General
Assemblies.

XXIII. And be it further enacted, That the said Company of Proprietors shall have Power and Authority, at any such General Assembly, to remove and displace any Director nominated and appointed by virtue of this Act, and from Time to Time to nominate and appoint another Person or other Persons in his or their Room or Stead; and it shall and may be lawful to and for the said Company of Proprietors, at any General or Special General Assembly, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Rules, Bye-Laws and Orders, for the good Government of the said Company, and their Servants, Agents, and Workmen, and for the Superintendence and Management of the said Undertaking, and from Time to Time to alter and repeal the said Bye-Laws, Rules, Orders, and Regulations, or any of them, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against the same, as to such General or Special General Assembly shall seem meet, not exceeding the Sum of Ten Pounds for any One Offence; and all such Rules, Bye-Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, and printed, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, provided that the same be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and all such Rules, Bye-Laws, and Orders shall be subject to Appeal, in Manner herein directed; and every such General and Special General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on Account of the said Undertaking, by the Treasurers, Receivers, or Collectors of any Money for the said Company, and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them, in and about the said Undertaking, and the Works thereto belonging; and the said Company shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at any such General or Special General Assemblies be thought proper and convenient.

Assemblies
of Proprietors
may be
specially con-
vened.

XXIV. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution, a Special General Assembly of the said Company of Proprietors is necessary to be holden, it shall be lawful for any Five of the said Proprietors, possessing in the Whole One Hundred Shares in the said Undertaking, to cause Fourteen Days Notice at least to be given of such Special General Assembly, in One or more of the *Manchester* and *London* Newspapers, or in such Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Assembly, and the Time when, and the Place where, the same shall be holden; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall

shall be present at such Special General Assembly, shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors, with respect to such Matters alone as shall be specified in such Notice; and all such Acts, Orders, or Determinations of the Proprietors, or the major Part of them so met together, at every such Special General Assembly, (provided that there be Ten Proprietors present who shall be possessed of at least Two hundred Shares in the said Undertaking), shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at any stated General Assembly.

XXV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Assembly, to nominate and appoint under the Common Seal of the said Company, a Treasurer or Treasurers, Engineer or Engineers, Clerk or Clerks, Collector or Collectors, and such other Officers as to them the said Company of Proprietors shall seem proper, and from Time to Time to remove any such Treasurer or Treasurers, Engineer or Engineers, Clerk or Clerks, Collector or Collectors, or other Officers, or any of them, and to nominate and appoint another Person or Persons in his or their Room or Stead in Manner aforesaid, taking such Security from every such Treasurer, Engineer, Clerk, Collector, or other Officer, for the due Execution of their respective Offices, and granting them such Salary or Compensation as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors and Directors respectively; and each of the said Proprietors of the said Undertaking shall and may at all Times have recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Chief or other Clerk to the said Company of Proprietors, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying the Sum of Sixpence for every One hundred Words so to be copied; and if any such Clerk or Clerks to the said Company of Proprietors shall refuse to permit any Proprietor or Proprietors so interested as aforesaid to inspect or peruse such Book or Books of Proceedings at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Directors to suspend or remove any Treasurer, Engineer, Clerk, Collector, Officer, or Servant of the said Company, for any Neglect, Misconduct, or Inability, and to appoint some other Person in their respective Places, and also to fill up the Vacancies that may occur by Death, Resignation, or otherwise; but in case any such new Appointment shall be made by the said Directors, the same shall only continue until the next General or Special General Assembly of the said Proprietors when the Appointment of such Person shall either be confirmed, or such other fit Person shall be appointed to succeed to such Office as the said

Officers to the
Company to
be appointed.

For appoint-
ing Officers
in cases of
Vacancies.

Proprietors, at such General or Special General Assembly, shall think proper.

Officers, &c. to
account,

XXVII. And be it further enacted, That every such Treasurer, Engineer, Clerk, Collector, and all other Officers and Persons so to be appointed as aforesaid, shall under their Hands at such Time and Times, and in such Manner as the said Company of Proprietors or the said Directors shall direct, deliver to the said Company of Proprietors, or to the said Directors, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and also of all the Monies which shall have been by such Treasurer, Engineer, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors, or to the said Directors, or to such Person or Persons as they respectively shall appoint; and if any such Treasurer, Engineer, Clerk, Collector, Officer, or Person, shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to the said Directors, or to such Person or Persons as they respectively shall appoint, within Twenty Days after being thereunto required by the said Company of Proprietors, or by the said Directors, all Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Company of Proprietors, or to the said Directors, or as they respectively shall direct or appoint, then, and in any of the Cases aforesaid, the said Company of Proprietors may, and are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions against the Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, so neglecting or refusing, as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by the said Directors, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County, City, or Place wherein the said Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justices may, and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons so refusing or neglecting to be brought before them, and upon his, her, or their 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 the Confession of the Party or Parties, or by the Testimony of any credible Witnels or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person

Person or Persons, such Justices may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Clerk, Collector, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, to the said Company of Proprietors, or to the said Directors, or as they respectively shall appoint, then, and in any of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Directors, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to the said Directors: Provided, always, that no Treasurer, Engineer, Clerk, Collector, Officer, or Person so committed, for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space than Three Calendar Months.

XXVIII. And be it further enacted, That no Director shall have more than One Vote at any Meeting of the said Directors, except the Chairman, who, in case of an Equality of Votes upon any Question, which may be agitated at any Meeting of the said Directors, shall have the casting Vote; and all the Powers and Authorities hereby vested in, or directed to be exercised by the said Directors, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Three; and the said Directors shall, from Time to Time, make Reports of their Proceedings to the said General Assemblies, and if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; and the said Directors shall (subject, nevertheless, at all Times, to such Orders and Directions as aforesaid) meet at such Times and Places, and shall, from Time to Time, adjourn themselves to such other Times and Places as they shall think fit; and the said Directors shall and may contract for and agree with any Body Politic, Corporate or Collegiate, or any Person or Persons, being Owner or Owners, Occupier or Occupiers thereof, or interested therein, and willing to sell or let the same for the Purchase or Rent of Lands, Tenements, or Hereditaments, that may be wanted for the Purposes of the said Undertaking, and the Works thereunto belonging, and shall and may, on behalf of the said Company of Proprietors, settle, adjust and determine all Matters, Questions, and Differences, which shall or may arise between the said Company of Proprietors, and the several Owners of and Persons interested in any Lands, Tenements, or Hereditaments, which may be wanted, damaged, or affected, by the Execution of any of the Powers hereby granted; and shall and may make Contracts, Agreements, and Bargains, with the Workmen, Agents, Undertakers, and other Persons employed or concerned

Powers of
Directors

cerned in making, completing, or continuing the Works belonging to the said Undertaking, and all and every Part or Parts thereof; and the said Directors shall (subject, nevertheless, to the Orders and Directions of such General or Special General Assemblies as aforesaid) have full Power and Authority to direct and manage the Affairs of the said Company of Proprietors; and the said Directors shall, by themselves or the Clerk to the said Company of Proprietors, keep a full and true Account of all Money disbursed, and Payments made by the said Directors, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf or in respect of the said Undertaking, from any Collector or Collectors, or other Officer or Officers, or from any other Person or Persons whomsoever, employed in, or having any Concerns, Dealings or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerks as aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company of Proprietors for that Purpose, Minutes or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up, under the Care and Direction of the said Directors: Provided always, that every Proprietor shall have free Access thereto, upon every reasonable Desire, for his and her Inspection; and the said Directors shall have power, from Time to Time, to make such Call or Calls for Money from the Subscribers to, and Proprietors of, the said Undertaking, to defray the Expences of, or to carry on the same, as the said Directors from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share; and such Calls shall not be made but at the Distance of Thirty Days at least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement, in some Newspaper or Newspapers usually circulated in *Manchester*, and the City of *London*, or in such other Manner as the said Company of Proprietors shall, at any General Assembly, direct and appoint; provided that it shall not be lawful to make any further Call upon any Proprietor or Proprietors who shall have paid to the said Company, in obedience to the said Calls or otherwise, the full Amount of the Sum or Sums, which by his, her, or their Subscription, he, she, or they had undertaken to pay for his, her, or their said Share or Shares; and every Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place as the said Directors shall from Time to Time order and direct; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by the said Directors, or within Thirty Days next ensuing, he, she, or they so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Share he, she, or they shall have in the said Undertaking; and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Call or Calls as aforesaid, for the Space of Three Calendar Months next after the Time so appointed for Payment thereof, then he, she, or they so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in

in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, or shall at the Discretion of any of the said General or Special General Assemblies, be publicly sold for the Use of the rest of the said Proprietors, whose Shares and Interests shall not have been forfeited as aforesaid: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares, until Ten Days Notice shall be given to or left at the usual or last Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, provided such Place or Places of Abode shall be known to the Clerk to the said Company of Proprietors, nor until the same Share or Shares shall likewise have been declared to be forfeited at some General or Special General Assembly of the said Company of Proprietors.

XXIX. Provided always, and be it enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or shall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and they are hereby required to pay the Sum or Sums by them respectively subscribed, (or such Part and Proportions thereof as shall from Time to Time be called for by the Directors of the said Company of Proprietors, by virtue of the Powers and Directions of this Act), at such Times and Places, and in such Manner as shall be directed by the said Directors; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place, and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Subscribers to pay their Subscriptions.

XXX. And be it further enacted, That in all Actions brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors, in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for so much or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants, (as the Case may be) whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in Fact made in pursuance of the Directions of this Act, and that such Notice thereof was given as is directed by this Act; and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every One hundred Pounds

Directing the Proceedings in Actions for Calls.

or was made within the Distance of Thirty Days from the last preceding Call, or without Notice given as aforesaid; and after Judgement shall be given for the said Company of Proprietors in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants shall with Two sufficient Sureties, first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in double the Sum adjudged to the said Company of Proprietors by such Judgement, to prosecute the said Writ of Error with Effect; and also, if the said Judgement be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgement, and all Costs and Damages to be awarded for Delay of Execution.

On the Death
of Subscribers
their Execu-
tors may com-
plete the Pay-
ment of their
Shares.

XXXI. And be it further enacted, That if any Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Undertaking, shall die before such Call or Calls shall have been made for the full Sum or Sums to be advanced on any Share or Shares, which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how and in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors, for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner or Owners, Proprietor or Proprietors so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner or Owners, Proprietor or Proprietors, shall be indemnified against all and every other Person or Persons whomsoever, for or on Account of his or her having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the Company of Proprietors of the said Undertaking, in Trust for and for the equal Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

XXXII. And

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, by themselves, their Deputies, Officers, Agents, Servants, Workmen, and Assistants, to make, complete, and maintain Waterworks, Aqueducts, Reservoirs, Water Wheels, Steam Engines, and other Engines, Pipes, and other Works, necessary for the Purposes of this Act, in the said Towns of *Manchester* and *Salford*, by Means of such Works, for supplying the same respectively with Water from the River *Medlock*, at or near *Holt* Town, and not higher up the Stream of the said River *Medlock* than the Place where the *Ashton* Canal now crosses the same near *Holt* Town aforesaid; and the said Company are hereby fully empowered by themselves, their Deputies, Agents, Workmen, or Servants, to supply the said intended Waterworks, Aqueducts, Reservoirs, and other Works, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from the River *Medlock*, at or near *Holt* Town, and not higher up the Stream of the said River *Medlock* than the Place where the *Ashton* Canal now crosses the same, and to make such and so many Feeders, Tunnels, and Shafts, and to make, erect, and set up such and so many Sluices, Weirs, Engines, Steam Engines, and other Machines, for supplying the said Waterworks with Water, and for any other Purposes, for the making, maintaining, and using of such Waterworks, as they the said Company of Proprietors, or their Successors, shall from Time to Time think proper and expedient; and for the Purpose of distributing such Water to the different Inhabitants, and effectuating the several Purposes of this Act, it shall and may be lawful to and for the said Company of Proprietors and their Successors, and to and for their Agents, Officers, Workmen, and Servants, to dig and break up the Soil and Pavement of any of the Roads, Highways, Footways, Commons, Streets, Lanes, Alleys, Passages, and public Places within the said Towns, and to sink and lay Pipes, Trunks, and other Conveniencies, for the Purposes aforesaid, and to put Stop Cocks, or Plugs, or Branches from such Pipes, Trunks, and other Conveniencies, in such Places and in such Manner as shall be necessary for the Purposes aforesaid, and from Time to Time to alter the Position of, and to repair, relay, and maintain such Pipes, Trunks, Stop Cocks, and Plugs, and to do all such Acts, Matters, and Things, as they the said Company of Proprietors, their Successors and Assigns, shall from Time to Time and at any Time think necessary and convenient for completing, amending, repairing, improving, and using the Works authorized by this Act to be done and provided, according to the true Intent and Meaning thereof; and the said Company of Proprietors are hereby empowered to make such Engines, Houses, and other Works, and all such Cisterns, Ponds, Basins, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Cocks, Chamber Cocks, Cocks in common, Stop Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Mains, Feeders, Fanipers, and Pumps, as the said Company of Proprietors shall think requisite for the several Purposes of the said Undertaking; and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same, they the said Company of Proprietors, their Agents, Deputies, Officers, Workmen, and Servants, doing as little Damage as may be in Execution of the Powers hereby granted to them, and making full Satisfaction for any Damages thereby occasioned.

Power to
complete
Waterworks.

The Money
belonging to
any Bodies
Politie, etc.
how to be ap-
plied in case
above 200l.

XXXIII. And be it further enacted, That all Sum or Sums of Money which shall be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Sum or Sums of 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 Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* "*The Company of Proprietors of the Manchester and Salford Waterworks*", to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Redemption or Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the Meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold, for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

If less than
the Sum of
200l. and
above 20l.

XXXIV. And be it further enacted, That if any Money to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to be signified in Writing under their respective Hands, be paid into the Bank
of

of *England*, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Two or more of the said Company of Proprietors, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXXV. Provided also, and be it further enacted, That where such Money to be paid as next before-mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Company of Proprietors or any Two or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, and to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Proprietors shall direct the same to be paid, shall be sufficient Discharges for the same.

The Application thereof if less than 20l.

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

In case of not making out Titles, &c.

[Loc. & Per.]

45 C

such

such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where Question shall arise as to Title, how the Purchase Money shall be paid.

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

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

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

Steam Engine to consume its own Smoke.

XXXIX. And be it further enacted, That the Furnace of every Steam Engine to be erected by the said Company of Proprietors shall be constructed upon the Principle of consuming its own Smoke.

Private Lands, &c. not to be entered without Consent.

XL. Provided always, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to make any Aqueduct, Tunnel, Feeder, or other Works, for the Supply of Water, across, or over, or to enter into or upon the private Lands and Grounds of any Body Politic, Corporate, or Collegiate, or of any Person or Persons whomsoever, or to injure or affect the Rights or Privileges of any Person or Persons, Proprietor or Proprietors, entitled to a Participation in the Use of the Water of the said *River Medlock*, or possessed of or entitled to any Mills, Dye Houses, Collieries, or other Works, or of any Person or Persons, Proprietor or Proprietors,

Proprietors, possessed of or interested in any Lands, Tenements, or Hereditaments, on either Side of the said River *Medlock*, without the Consent of the Owner or Owners, Proprietor or Proprietors, and Occupier or Occupiers thereof.

XLI. Provided always, That whereas there now are within or near unto the said Town of *Manchester*, several Closes and Pieces or Parcels of Land or Ground, in which or Part of which there are several Streets, called or known by the Names of *Camp Street*, *Charles Street*, *St. John Street*, *Byrom Street*, *Great John Street*, *Little John Street*, *Atherton Street*, and several other Streets or intended Streets, which said several Closes and Pieces or Parcels of Land or Ground, and the said several Streets or intended Streets are the private Lands and Grounds, and Property of *Henry Atherton Esquire*, *Ann* his Wife, and *Eleanora Byrom Spinster*; be it enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors, or their several Successors, Executors, Administrators, or Assigns, or any Person or Persons acting by or under their Authority, to make any Aqueduct, Tunnel, Feeder, Pipe or Pipes, or other Works whatever for the Supply or Conveyance of Water across, over, and under, or to break up, dig up, or by any Means enter into or upon any of the said Closes and Pieces or Parcels of Land or Ground, or the said Streets or intended Streets, without the Consent in Writing of the aforesaid *Henry Atherton*, *Ann* his Wife, and *Eleanora Byrom*, their respective Heirs and Assigns, first thereunto had and obtained.

Company not to enter the private Streets or Grounds of *Henry Atherton Esq.* *Ann* his Wife, and *Eleanora Byrom*, without Consent.

XLII. And whereas the King's most Excellent Majesty, in Right of his Duchy of *Lancaster*, is Lord of the Manors and Lordships of *Penbulton* and *Salford* aforesaid: And whereas by a Lease bearing Date the Twenty-fifth Day of *July* One thousand eight hundred, under the Seals of the Duchy and County Palatine of *Lancaster*, the said Manor and Lordship of *Salford*, and all Waste Lands and Commons to the said Manor and Lordship of *Salford* belonging or appertaining, and other Hereditaments in *Salford* and *Penbulton*, are granted and demised by His Majesty to *John Partington of Garrell*, within *Manchester* aforesaid, Dyer, for the Term of Thirty-one Years from the Twenty-fifth Day of *July* One thousand eight hundred, or some other Term or Terms of Years under the several yearly Rents in the said Lease mentioned; be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Successors or Assigns, or their Agents, Servants, or Workmen, to dig and break up the Soil of the said Waste Lands and Commons within the said Manors or Lordships of *Salford* or *Penbulton*, or either of them, or any Part of either of them, without the Consent of His Majesty, to be signified under the Seals of the said Duchy and County Palatine of *Lancaster*, or by the Order of the Chancellor and Council of the said Duchy in Court of Revenue assembled, and without the Consent in Writing of the said *John Partington*, his Executors, Administrators, or Assigns, or other Lessee or Lessees of the said Manors or Lordships of *Salford* or *Penbulton*, or Wastes within the same, during his or their subsisting Interest in the said Lease; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Company not to break up the Soil of the Wastes in the Manors of *Salford* or *Penbulton*, without Consent.

XLIII. And whereas the said Sir *Oswald Mosley* for some Time past hath been accustomed to take from the River *Medlock* One hundred and twenty thousand Ale Gallons of Water *per Diem*, or thereabouts, for the Use

That the Company of Proprietors shall not take more than

120,000 Gallons per Day, unless the Water in the Duke of Bridgewater's Canal is running over the Waste Weirs.

Use of the said Waterworks, and the taking of a greater Quantity therefrom might be attended with great Loss and Injury to the Devisees in Trust of the Canals of the late most Noble *Francis Duke of Bridgewater*, situate in the several Counties Palatine of *Lancaster* and *Chester*, their Heirs and Assigns, inasmuch as the navigable Communication between the Towns of *Manchester* and *Liverpool*, might thereby be greatly interrupted for Want of a sufficient Supply of Water, to the great Injury of the Publick, and especially of Persons carrying on Trade between *Manchester* aforesaid and *Liverpool* aforesaid, be it further enacted, That it shall not be lawful for the said *Sir Oswald Mosley* or the said Company of Proprietors hereby created, their Successors or Assigns, to take any greater Quantity of Water from the said River *Medlock* in any One Day than the said Quantity of One hundred and twenty thousand Ale Gallons, unless nor until the Gates and Sluices herein-after mentioned, and hereby required to be made and erected, shall have been erected and made in Manner herein-after mentioned, and then only at such Time or Times as the Water of and in the said several Canals of the late Duke of *Bridgewater* shall be running over all the several Wastes or Waste Weirs of and belonging to the said Canals; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Company of Proprietors not to take more than 120,000 Gallons per Day, unless, &c.

XLIV. And, for the more effectually preventing the said *Sir Oswald Mosley* and the said Company of Proprietors hereby created, their Successors or Assigns, from taking or diverting more than the said Quantity of One hundred and twenty thousand Gallons of Water *per Diem* from the said River *Medlock*, unless at such Time or Times as the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall be running over all the said several Wastes or Waste Weirs of and belonging to the same, be it further enacted, That the said *Sir Oswald Mosley*, and the said Company of Proprietors, and their Successors and Assigns, shall, and they are hereby required within the Space of Twelve Calendar Months from and after the passing of this Act, to erect, make, and place, or cause to be erected, made, and placed, such and so many Gates or Sluices in, upon, and across, any and every Trough, Watercourse, Aqueduct, or Feeder, now made or hereafter to be made and used for the Purpose of conducting the Water from and out of the said River *Medlock* to the said Waterworks, as shall be proper and sufficient for effectually preventing the Water of the said River *Medlock* at all Times from flowing from and out of the said River *Medlock* into any such Trough, Course, Aqueduct, or Feeder, and to maintain and keep the same at all Times hereafter in good and sufficient Repair for the Purpose aforesaid, and that it shall and may be lawful for the said Devisees of the said Canals of the late Duke of *Bridgewater*, their Heirs or Assigns, or their Agents or Servants, to shut down or stop the said Gates or Sluices at all Times, by Day or by Night, when the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall not be running over all the several Wastes or Waste Weirs of and belonging to the said Canals, and for that Purpose to enter into and upon any of the Premises of or belonging to the said Company of Proprietors, their Successors or Assigns, and to remain and continue therein for the Purpose aforesaid during the Remainder of that Day whereon such Entry shall be made, unless the said Company of Proprietors, their Successors or Assigns, shall then and there produce and shew forth to the

the said Devisees, their Heirs or Assigns, or their Agents or Servants, good and sufficient Proof to their Satisfaction, that the Company of Proprietors, their Successors or Assigns, for the Time being, have not taken the said One hundred and twenty thousand Gallons of Water from the said River *Medlock* on that Day whereon the said Devisees, their Heirs or Assigns, or their Agents or Servants, shall be minded or desirous to shut down and stop the said Gates or Sluices, or shall require the said Company of Proprietors, their Successors or Assigns, to stop or shut down the same; but in case the said Company of Proprietors, their Successors or Assigns, or their Agents or Servants, shall produce and shew forth to the said Devisees, their Heirs or Assigns, or their Agents or Servants, such good, sufficient, and satisfactory Proof as aforesaid, in which case it shall not be lawful for the said Devisees of the said several Canals, their Heirs or Assigns, or their Agents or Servants, to shut down or stop the said Gates and Sluices during that Day, or until the said One hundred and twenty thousand Gallons of Water shall have been taken or diverted by the said Company from and out of the said River *Medlock* in the Course of that Day.

XLV. And for the better and more effectual Security of the several Owners and Occupiers of the Mills and Manufactories upon the said River *Medlock*, be it further enacted, That one Engineer shall be appointed by and on the Behalf of the said several Owners and Occupiers of the Mills and Manufactories upon the said River, and another such Engineer by the Company of Proprietors, and that such Engineers so to be appointed shall and they are hereby required to ascertain and determine the Place or Places where a proper Guage or Guages shall be placed upon the said River, or the Aqueduct or Feeder conducting the Water from thence to the said Waterworks, and the Plan, Nature, Construction, Dimensions, and Levels of such Guage or Guages for the Purpose of discharging the said Quantity of Water into the said Waterworks from the said River, and for preventing a larger Quantity than the said One hundred and twenty thousand Gallons *per Diem* from being taken from the said River (except as herein-after is mentioned), and also to ascertain and determine the means of guarding and protecting such Guage or Guages; and if the Two Engineers so to be appointed as aforesaid shall not within Six Calendar Months from the passing of this Act agree touching the Plan, Situation, Nature, Construction, Dimensions, and Levels, of such Guage or Guages respectively, and the Means of guarding and protecting the same, then the said Engineers shall and they are hereby required within the Space of Twenty-one Days afterwards to refer the Matter in Difference to some other Engineer to be by them appointed for that Purpose, who shall and is hereby required to determine and settle the same within Three Calendar Months after he shall be so appointed.

Engineers to be appointed to prevent the Company from taking more than 120,000 Gallons per Day, unless, etc.

XLVI. Provided always, and be it further enacted, That the said Guage or Guages shall be so fixed and constructed as not in any Case to permit more than One-fourth Part of the whole Current of the Water of the said River *Medlock* to flow to the said Waterworks, to the Intent and Purport that in dry Seasons the said Company of Proprietors, their Successors and Assigns, may not take more than the said Quantity of One-fourth Part of the said Water, or any greater Quantity of Water than

For preventing more than One Fourth Part of the Water being taken in dry Seasons.

the said Quantity of One hundred and twenty thousand Gallons of Water *per Diem* herein-before authorized to be taken by the said Company of Proprietors.

Company entitled to take the Flood Water out of the River Medlock.

XLVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at all Times when the Water in the said River *Medlock* shall by Floods or the Downfall of Showers, or from any other Cause be raised or increased beyond the Quantity which may be necessary for the ample Supply of the several Mills and other Manufactories upon the said River, and shall be running over the Wastes or Waste Weirs of the several Canals of the said Duke of *Bridgewater*, to take such further and other Quantity of the Surplus Water from the said River *Medlock* as may be necessary for the Purposes of this Act.

Engineers to ascertain the Quantity of Water necessary for the Mills, etc.

XLVIII. And in order to ascertain the Quantity of Water in the said River which will be necessary for the ample Supply of the said several Mills and other Manufactories, be it further enacted, That one Engineer shall be appointed by and on Behalf of the Owners and Occupiers of the said several Mills and other Manufactories, and another Engineer or other proper Person by the said Company of Proprietors, and that such Persons so to be appointed, shall and they are hereby required to ascertain and determine the Place or Places where a proper Gauge or Weir shall be placed upon the said River, so as to admit of such Flood or Surplus of Water as may flow over the Gauge or Weir, so to be fixed by the said Engineers or Engineer, into the Aqueduct or Feeder leading to the said Waterworks, and the Plan, Nature, Construction, Dimensions, and Levels of such Gauge or Weir, for the Purpose of admitting the Flood or Surplus Water to flow into the said Waterworks from the said River *Medlock*, without Injury to the said Mills or Manufactories, and also to ascertain and determine the Means of guarding and protecting such Gauges or Weirs; and if the Two Engineers or other Persons so to be appointed as aforesaid shall not agree touching the Plan, Situation, Nature, Construction, Dimensions, and Levels, of such Gauges or Weirs respectively, and the Means of guarding and protecting the same within Six Months from the passing of this Act, then the said Engineers or other Persons shall, and they are hereby required within the Space of Twenty-one Days afterwards to refer the Matter in Difference to some other Engineer, to be by them appointed for that Purpose, who shall and is hereby required to determine and settle the same within Three Calendar Months after he shall be so appointed.

In case of Non-appointment Company to appoint their own Engineer.

XLIX. Provided nevertheless, and be it further enacted, That in case the said Owners and Occupiers of Mills and other Manufactories on the said River *Medlock*, shall not within Three Calendar Months appoint an Engineer for the Purposes aforesaid; then and in such Case it shall be lawful for the said Company of Proprietors, and they are hereby required to appoint their own Engineer for such Purposes: And it shall be lawful for such last-mentioned Engineer alone, and he is hereby required to fix and regulate such Gauges as aforesaid, in the same Manner as if the same were fixed and regulated by such Engineers as aforesaid, jointly and together.

L. And

L. And in order to secure and indemnify the said Devisees of the said late Duke of *Bridgewater*, their Heirs and Assigns, of, from, and against all Loss or Damage which might arise from taking or diverting a greater Quantity of Water than the said One hundred and twenty thousand Gallons *per* Day from or out of the said River *Medlock*, when the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall not be running over the Wastes or Waste Weirs, of and belonging to the several Canals, be it further enacted, That if the said Company of Proprietors, their Successors or Assigns, after Notice given or left in Writing at the Works of the said Company of Proprietors, that the Water of and in the said several Canals of the said late Duke of *Bridgewater* is not running over all or any of the said Wastes or Waste Weirs, belonging thereto, shall not forthwith shut down and stop, or cause to be shut down and stopped, the said Sluices or Gates made or to be made in Manner herein-before required, in, upon, or across any Trough, Watercourse, Aqueduct, or Feeder now made, or hereafter to be made, for the Purpose of conducting the Water of the said River *Medlock* to the said Waterworks, or then and there produce and shew forth to the said Devisees, their Heirs and Assigns, or their Agents or Servants, who shall give such Notice as aforesaid, good and sufficient Proof that the said Company of Proprietors, their Successors or Assigns, had not during that Day whereon such Notice shall be so given as aforesaid, used, taken, or diverted from or out of the said River *Medlock* One hundred and twenty thousand Gallons of Water; or if the said Company of Proprietors, their Successors or Assigns, shall not keep and continue the said Gates or Sluices so shut down or stopped in pursuance of such Notice for the Remainder of such Day, or until the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall be running over the said several Wastes or Waste Weirs, of and belonging to the same; or if any Person or Persons shall at any Time or Times obstruct or prevent the said Devisees, their Heirs or Assigns, or their Agents or Servants, from entering in and upon the Premises of the said Company of Proprietors, for the Purpose of shutting down or stopping the said Gates or Sluices when the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall not be running over the Wastes or Waste Weirs thereof, or from remaining and continuing thereon for the Remainder of that Day whereon such Entry shall be made, or until the said Water of and in the said several Canals of the said late Duke of *Bridgewater* shall be running over the Wastes or Waste Weirs thereof; or if the said Company of Proprietors, their Successors or Assigns, shall knowingly or wilfully, take or divert, or permit, or suffer to be taken or diverted from or out of the said River *Medlock* any greater Quantity of Water than the said One hundred and twenty thousand Gallons in any one Day, unless at such Time or Times as the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall be running over the Wastes or Waste Weirs thereof, or if the said Company of Proprietors, their Successors or Assigns, or any Agent or Servant of the said Company, shall knowingly or wilfully produce, or shew forth to the said Devisees, their Heirs or Assigns, or any Agent or Servant of the said Devisees, who shall desire to shut down or stop, or who shall require the said Company of Proprietors, or their Successors or Assigns, to shut down and stop the said Gates and Sluices, when the Water of and in the said several Canals of the said late Duke of *Bridgewater* shall not be running over the Wastes or Waste Weirs thereof, a false and unjust Account of the Quantity of Water taken and diverted by the said Company of Proprietors from and out

Penalty for
taking more
than 120,000
Gallons of
Water, unless
&c.

out of the said River *Medlock* on that Day whereon the said Account shall be so produced or shewn forth, then the said Company of Proprietors, their Successors or Assigns, and each and every Person respectively so offending, shall for each and every such Offence forfeit and pay to the said Devisees, their Heirs or Assigns, the Sum of Fifty Pounds, which shall and may be recovered by the said Devisees, their Heirs and Assigns, by Action of Debt, Bill, Plaint or Information, with Double Costs, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Wager of Law, or Protection, nor more than one Imparance shall be allowed.

Or Special
Damages.

LI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Devisees, their Heirs or Assigns, either to sue for the Recovery of the said Penalty of Fifty Pounds in Manner herein-before mentioned, or in lieu thereof, to commence an Action at Law against the said Company of Proprietors, or any Person or Persons for the Recovery of the special Damages which the said Devisees, their Heirs or Assigns, shall or may sustain, by reason of any Act, Matter, or Thing done by the said Company of Proprietors, or by any such Person or Persons, contrary to the Provisions herein contained.

Mill Owners
may prevent
the Company
from diverting
more than
120,000 Gal-
lons per Diem
from the River
Medlock,
unless, etc.

LII. And for the more effectually preventing the said Sir *Oswald Mosley* and the said Company of Proprietors hereby created, their Successors or Assigns, from taking or diverting more than the said Quantity of One hundred and twenty thousand Gallons of Water *per Diem*, from the said River *Medlock*, unless at such Time or Times as the Water of the said River *Medlock* by Floods, or the Downfall of Showers, or from any other Cause, be raised or increased beyond the Quantity which may be necessary for the Supply of the several Mills and other Manufactories on the said River *Medlock* below the said Waterworks, be it further enacted, That the said several Owners and Occupiers of the said several Mills and Manufactories or their Servants or Agents, shall have the same Powers and Authorities as are hereby given to the said Devisees of the said late Duke of *Bridgewater*, their Heirs or Assigns, or their Agents or Servants, for preventing the said Company of Proprietors from taking any greater Quantity than the said One hundred and twenty thousand Gallons *per Day*, unless at such Time or Times as the Water of the said Canals of the said Duke of *Bridgewater* shall be running over the Wastes or Waste Weirs of the said Canals; and that the said Company of Proprietors, their Successors and Assigns, and their Agents and Servants, shall be liable to the same Penalties and Forfeitures, as they are hereby made liable and subject to in respect of the said Devisees of the late Duke of *Bridgewater*, their Heirs and Assigns, in all respects as if the said Powers, Authorities, Penalties, and Forfeitures were herein particularly repeated and enumerated.

Proprietors
not to use any
Water taken
from the *Med-*
lock or any
other Purpose
than supplying
the Town of
Manchester,
etc. with
Water.

LIII. And for the more effectually preventing the using or diverting the Water of the said River *Medlock*, to or for any other than the Purpose of supplying the Inhabitants of the said Towns of *Manchester* and *Salford* with Water in the ordinary and accustomed Manner, be it further enacted, That it shall not be lawful for the said Company of Proprietors of the said Waterworks, their Successors or Assigns, at any Time or Times hereafter, to take or divert the Water of the said River *Medlock* to or for any Purpose whatever, other than for supplying the said Inhabitants with Water in the usual and accustomed Manner; nor to supply or agree to supply any

any navigable Cut, Canal, or River with Water, or to make, or permit, or suffer to be made any Communication whatsoever between the said Waterworks, Reservoirs, or Aqueducts thereunto belonging, and any navigable Cut, Canal, or River whatsoever, any Thing in this Act to the contrary thereof in anywise notwithstanding.

LIV. And whereas, a Map or Plan describing the Line of the intended Aqueduct and Conduit and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County Palatine of *Lancaster*, be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, and all Persons shall at any reasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof, or such Part thereof as such Person or Persons shall require, such Copy or Copies to be made by the said Clerk of the Peace or his Deputy, on being paid the Sum of Six Shillings and Eight-pence for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies, and that the said Company of Proprietors, their Successors and Assigns, shall not, in laying and making such Aqueduct and Conduit of the aforesaid Water, deviate more than Three hundred Feet from the Line or Course so described, nor make any Wells, Cisterns, or Reservoirs in any other Lands, Grounds, or Situations than so described, without the Consent in Writing of the Owner or Owners of the Lands or Grounds in which they shall so deviate, or make such other Wells, Cisterns, or Reservoirs.

LV. And be it further enacted, That such of the Inhabitants of the Towns aforesaid as shall be desirous of having Water from the said Waterworks laid into their Houses, Buildings, or other Premises, may, and are hereby authorized and empowered, at their own Expence, having first obtained the Consent in Writing, under the Hand of such Person as shall be authorized by the said Company of Proprietors or their Directors to give such Consent, and with the Consent of the Owners of the Premises through which the Pipes shall be conveyed, to open the Ground between the Company's Aqueducts or Main Pipes, and the respective Houses, Buildings, or other Premises of such Inhabitants, and to lay any leaden or other Pipe or Pipes (the Bore thereof to be ascertained and fixed by the said Company of Proprietors) from such respective Houses, Buildings or other Premises, to communicate with the said Aqueducts or Main Pipes, such respective Inhabitants paying to the said Company of Proprietors Yearly, Quarterly, or Monthly, such Rate or Rates, or Sum or Sums of Money for such Water as shall be mutually agreed upon between them; and in case of Default of Payment of any such Rate or Rates, or Sum or Sums of Money so to be paid as aforesaid, it shall be lawful for the said Company of Proprietors to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with the Aqueducts and Main Pipes belonging to the said Company of Proprietors, to be separated from the said Aqueducts or Main Pipes, and to cause the Water to be stopped from issuing or running into the House, Buildings, and other Premises of every Person making such Default, and that the Rate or Rates,

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

[Loc. & Per.]

45^s E.

Sum

Sum or Sums of Money which shall be due and in Arrear from such Person or Persons to the said Company of Proprietors, shall and may be recovered by the said Company of Proprietors by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved on Common Demises may by Law be recovered: Provided always, That all and every Person and Persons who shall have laid any leaden Pipe or Pipes as aforesaid, shall be at liberty to remove and take away such Pipe or Pipes, and the Cock or Cocks to such Pipe or Pipes belonging.

Ground
broken up for
laying Pipes,
to be fenced.

LVI. Provided always, and be it enacted, That when, and as often as any Ground shall or may be opened or broken up, either by the said Company of Proprietors, or by any other Person or Persons, for laying, taking up, or repairing any Aqueduct or Main Pipe, or Communication Pipe, by virtue of this Act, then and in every such case the said Company of Proprietors or other Persons respectively shall fill, or cause to be filled, in such Ground, and the Rubbish occasioned by the opening or breaking up the same to be carried away as soon as conveniently may be, and in the Meantime to cause such Ground to be fenced or guarded, so that the same may not be dangerous to Passengers or Cattle: Provided always, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of the Agents or Servants of the said Company of Proprietors, or in any such other Person or Persons in taking up or repairing any of the said Aqueducts or Main Pipes, or any of the said Communication Pipes, or in filling in such Ground, or removing the Rubbish thereby occasioned, then and in every such Case the said Company of Proprietors and such other Persons so offending respectively, shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day during the Continuance of such wilful or negligent Delay.

For preserving
the Water
clean and
wholesome.

LVII. And be it further enacted, That if any Person shall bathe in any Reservoir, Aqueduct, Waterway, Feeder, or Pond, being the Property of the said Company of Proprietors, made, maintained, or supported by virtue of this Act, or wash any Dog or other Animal therein, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, or wash or cleanse any Cloth, or any Wool or Leather, or the Skins of Sheep, Lambs, or other Animal, or any noisome or offensive Thing in any such Reservoir or Aqueducts, Waterway, Feeder, or Pond, or cause or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into any such Reservoir, Aqueduct, Waterway, Feeder or Pond, or cause any other Annoyance to be done to the Water contained in any such Reservoir, Aqueduct, Waterway, Feeder, or Pond, whereby or by Means whereof the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such Case every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Not to hinder
Persons from
taking Water
for the Pur-
pose of Trade.

LVIII. Provided always, and be it further enacted, That nothing herein contained shall now or hereafter be construed to prevent the Water of the River *Medlock* being taken by Millers, Dyers, or any other Person or Persons, for the Purposes of Trade, Manufactories, Works, and Occupations, by any Pipes or Drains, Sewers and Watercourses, or from being again returned to the said River, through the same, but that all Person or

Persons

Persons shall now and hereafter have and exercise the same Right and Privilege of taking Water from, and returning the same to the said River, in such Manner as might have been lawfully exercised before the passing of this Act, any Thing herein contained to the contrary notwithstanding.

LIX. Provided always, and be it further enacted, That if any Person or Persons shall take or use, or cause, permit, or suffer to be taken or used, any Water from or out of any Reservoir, Aqueduct, or Pipe, which shall be made or laid by virtue of this Act, without the previous Consent of the said Company of Proprietors, or if any Person or Persons supplied with Water by virtue of this Act shall supply any other Person with any Part of such Water, or if any other Person or Persons shall wilfully let off, or cause to run to waste any Water from any such Aqueduct or Pipe, then and in every such Case, every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds; and it shall and may be lawful to and for the said Company of Proprietors, if they shall so think fit, to take or cut off the Water so supplied by the said Company of Proprietors, from the House, Building, or other Premises of the Person or Persons so offending.

For hindering
Persons supplied from
supplying
others, &c.

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

Except in
certain Cases,

LXI. And be it further enacted, That it shall and may be lawful to and for an Engineer, or any other Person or Persons acting by or under the Authority of the said Company of Proprietors, or of their Directors, at all seasonable Times in the Day Time, upon giving Twenty-four Hours previous Notice of their Intention, to enter into any House, Building, or other Premises supplied with Water by the said Company of Proprietors, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company of Proprietors; and if such Engineer, or other Person acting by or under the Authority of the said Company of Proprietors or their Directors, shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to cut and turn off, or cause to be cut and turned off, the Water supplied by the said Company of Proprietors from such House, Building, or other Premises.

For enabling
the Company
to enter Pre-
mises, to see
that there is
no waste of
Water,

LXII. And

Cisterns to be provided.

LXII. And to prevent as much as possible the wilful and negligent Waste of Water; be it further enacted, That each and every Person supplied with Water by the said Company of Proprietors shall, and he, she, and they is and are hereby required to provide a proper Cistern or Cisterns of Lead, Stone, Brick, Wood, or other Materials, to receive and hold such Quantity of Water as shall be by him or them deemed sufficient for his, her, or their Consumption, and he, she, and they is and are hereby required to provide a Ball and Stop Cock, and to fix, or cause to be fixed, the same to the Pipe conducting the Water from the Main or Service Pipe belonging to the said Company of Proprietors, to such Cistern or Cisterns, for the Purpose of preventing the Water running into such Cistern or Cisterns from running to waste, when the same shall be full; and in case any Person or Persons supplied with Water by the said Company of Proprietors shall neglect to provide such Cistern or Cisterns, and also a Ball and Stop Cock, and to affix, or cause to be affixed, the same in Manner aforesaid, for the Purpose of preventing the Water from running to waste, when such Cistern or Cisterns shall be filled as aforesaid, it shall and may be lawful to and for the said Company of Proprietors, or of their Directors, or any Person or Persons acting by virtue of or under Authority of the said Company of Proprietors, to cut and turn off the Water by such Ways and Means as to him or them shall seem right or proper, from the House, Building, or other Premises of every such Person, until such Cistern or Cisterns, and Ball or Stop Cock shall be provided, and such Ball or Stop Cock added in Manner aforesaid.

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

LXIII. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish into any Part of the said Waterworks, Reservoirs, Aqueducts, Trenches, Watercourses, or Feeders to be made by virtue of this Act, or shall wantonly or unnecessarily open or cause to be opened, any Lock, Gate, Paddle, Valve, or Clough belonging to the said Waterworks, or shall snare, angle, or take any Fish out of the same, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Waterworks, or shall leave any of the said Valves or Cloughs open and running belonging to the same, or shall draw, or cause to be drawn, any Paddle, Valve, or Clough, in any of the Locks, Stop or Clew Gates, on the said Waterworks, so as to mispend or waste the Water thereof, its Courses or Feeders, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on destroying Works.

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

LXV. Pro-

LXV. Provided always, and be it enacted, That every Body Politic, Corporate, or Collegiate, and every Person or Persons being a Proprietor or Proprietors of any Share or Shares in the said Joint or Capital Stock, shall be entitled to vote at the several General or Special General Assemblies of the said Company of Proprietors of the *Manchester and Salford Waterworks*, in respect of such Share or Shares in the Proportions following, (that is to say): If a Proprietor of less than Five Shares to One such Vote, if a Proprietor of Shares and less than Ten Shares to Two such Votes, if a Proprietor of Ten and less than Fifteen Shares to Three such Votes, if a Proprietor of Fifteen and less than Twenty Shares to Four such Votes, if a Proprietor of Twenty and less than Thirty Shares to Five such Votes, if a Proprietor of Thirty and less than Forty Shares to Six such Votes, if a Proprietor of Forty and less than Fifty Shares to Seven such Votes, and if a Proprietor of Fifty Shares and upwards to Eight such Votes, which Vote or Votes may be given by them, him, or her, by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Corporate or Collegiate, or under the Hand of the Proprietor constituting the said Proxy, every such Proxy being a Proprietor in the said Undertaking, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person, and every Question, Matter, or Thing which shall be proposed, discussed, or considered, in any General or Special Assembly of the said Company of Proprietors, or any Adjournment thereof, shall be determined by the Majority of Votes and Proxies then present in the Proportion before mentioned, provided that the Members present be not less than Ten, and be possessed of not less than Two hundred Shares; and the Appointment of such Proxy may be made according to the Form following; (that is to say),

Directing how
Proprietors of
Shares shall
vote, &c.

‘ I *A. B.* of *Manchester and Salford Waterworks*, do hereby nominate, constitute and appoint *C. D.* of *Manchester and Salford Waterworks*, to be my Proxy in my Name, and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the said Undertaking, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment for the Benefit of the said Undertaking, or any Thing appertaining thereto. In Witness whereof I have hereunto set my Hand (or Seal) the *Day of*

Form of
Proxies.

LXVI. Provided always, That if any Subscriber to the said Undertaking shall be minded and desirous to pay or advance immediately into the Hands of the said Directors, or of the Person whom they shall appoint to receive the same, the full Amount of his or her Subscription for such Share or Shares, for which he or she may have subscribed, or any Part thereof, not being less than a Sum of Fifty Pounds, without waiting for the said Call or Calls, then, and in such Case it shall be lawful for the said Directors to pay to the said Subscriber or Subscribers out of the Funds of the said Company, Interest upon the same, at the Rate of Five Pounds *per Centum per Annum* upon the Amount which such Payment or Advance may be over and above the said Calls, and from the Period of the Call immediately preceding such Payment or Advance up to the Period of such subsequent Call respectively, according to the Sum then in Advance and above the Amount of the said Call.

Directors may
allow Interest
to Proprietors
for Payment
in Advance.

Questions at
General As-
semblies to be
determined
by Ballot,

LXVII. And be it further enacted, That if at any General or Special General Assembly of the said Company of Proprietors, or any Adjournment thereof, any Question or Questions shall arise touching or concerning the Affairs and Concerns of the said Company of Proprietors, or any Matter or Thing relating thereto, such Question or Questions shall, upon the Request of any Proprietor or Proprietors then present, being possessed in his, her, or their own Right of Twenty Shares in the said Undertaking, be determined by Ballot.

Companies
empowered
to re-sell
Lands that
may not be
wanted.

LXVIII. And whereas, in order more effectually to carry into Effect the Purposes of this Act, the said Company of Proprietors may purchase Lands, Buildings, or Hereditaments, which or Part whereof may afterwards be considered as unnecessary to be made Use of for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company of Proprietors of the *Manchester* and *Salford* Waterworks, to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey such Part or Parts of the Lands, Buildings, or Hereditaments which shall be so purchased by and conveyed to the said Company of Proprietors of the *Manchester* and *Salford* Waterworks as aforesaid, and as shall not be wanted for the Purposes aforesaid; and all such Conveyances from the said Company of Proprietors shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Buildings, or Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the said Company of Proprietors, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the said Lands, Buildings, or Premises shall be sold, or for so much thereof as in such Receipt shall be expressed to be received; and such Person or Persons shall not be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

The Words
grant, bar-
gain, and sell,
to operate as
Covenants for
the Title,

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

Application of
Purchase
Money

LXX. And be it further enacted, That all and every Sum and Sums of Money which shall be had, received, and taken by the said Company of Proprietors as the Consideration of any such Sales as aforesaid, shall be paid

LXXI. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed or inflicted by this Act, or which shall be imposed or inflicted by any Rule, Order, or Bye-Law to be made in pursuance thereof, the Manner of levying and Recovery whereof is not particularly herein directed, shall in case of Non-payment thereof, on Conviction of the Offender or Offenders respectively, be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place wherein the Offence shall be committed, or the Offender shall be or reside; which Warrant such Justice is hereby empowered and required to issue upon the Confession of the Party or Parties, or upon the Evidence of any credible Witness or Witnesses, upon Oath (which Oath such Justice is hereby empowered and required to administer), and all Fines, Forfeitures, and Penalties (the Application whereof is not herein particularly directed), shall be paid into the Hands of the Treasurer of the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company of Proprietors, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, and Forfeitures, and the Expence of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained, and for want of sufficient Distress, and in Case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol, or House of Correction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Fines and Forfeitures, how to be recovered and applied.

Form of Conviction.

LXXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors or Directors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, then and in every such Case

Allowing an Appeal to the Quarter Sessions, &c.

Case such Person or Persons may, within Three Calendar Months next after such Order, Judgement, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the County, City, or Place in which the Cause of Appeal shall arise, (first giving Fourteen Days Notice of such Appeal, to the Person or Persons appealed against, and of the Nature and Matter thereof, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon); and the said Justices shall, in a summary Way, either hear and determine the said Appeal at such General or Quarter Sessions, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be holden for such County, City, or Place; and the said Justices may make such Determination in such Appeal, and award such Costs to either of the Parties as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Forfeiture, or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-Law, Order, Judgement, or Determination, and may also order and award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Proceedings
not to be
quashed for
Want of
Form.

LXXIV. And be it further enacted, That no Order, Verdict, Judgement, Conviction, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof notwithstanding.

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

LXXV. 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 or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties to distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Plaintiff not to
recover if suf-
ficient Amends
offered.

LXXVI. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place of Abode Fourteen Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of Action, nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall

and may be lawful to and for the Defendant or Defendants in any such Action, by leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement 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.

LXXVII. And be it further enacted, That in all Actions that shall or may be brought against the said Company of Proprietors, for any Offence or Offences by the said Company of Proprietors, or their Successors, Agents, Officers, Servants, and Workmen, that shall or may be committed against this Act, it shall and may be sufficient for the Plaintiff or Plaintiffs to serve, or cause to be served, the Original Process in every such Action on the Chief or other Clerk of the said Company, and such Service of Process shall be and be deemed to be of the like Force and Effect in Law, as if such Original Process had been served on the Head Officer or Officers of the said Company.

In Actions against the Company, Process may be served on the Chief or other Clerk.

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

Limitation of Actions.

LXXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown as in Right of His Duchy of Lancaster, and to all and every other Person and Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, or their Heirs, Successors, Executors, and Administrators respectively, other than and except such Right for which Compensation is herein-before made and provided by virtue of this Act, in respect of the Interest or Property for which such Compensation is made and provided, all such Estates, Rights, Titles, and Interest as he, they, every, or any of them had or enjoyed, of, in, to,

General Saving.

[Loc. & Per.]

or out of any Lands or Hereditaments whatever, before the passing of this Act, or could, might, or ought to have held or enjoyed in case this Act had not been made.

Publick Act.

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

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