



ANNO PRIMO & SECUNDO

GEORGIIV. REGIS.

Cap. xlvii.

An Act to alter and amend several Acts passed 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*; and for further extending the Powers and Provisions of the said Acts.

[7th May 1821.]

WHEREAS by an Act passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *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*, certain Persons were incorporated into One Body Politic and Corporate by the Name of the Company of Proprietors of the *Manchester and Salford* Waterworks; And whereas an Act was passed in the Fifty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Powers of an Act of His present Majesty, for supplying with Water the Towns of Manchester and Salford, in the County Palatine of Lancaster*: And whereas an Act was passed in the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for altering, amending, and extending the Powers of Two Acts of His present Majesty's Reign, for supplying with Water the Inhabitants of the Towns of Manchester and Salford, in the Parish of Manchester, in the County Palatine of Lancaster*: And whereas the Population, Buildings, and Manufactures, as well of the said Towns of *Manchester* and *Salford*, as also of the adjoining Townships of *Hulme*, *Chorlton Row*, *Ardwick*, *Newton*, *Cheetham*, *Broughton*, and *Pendleton*, have of late greatly increased and are still increasing; and it is expedient that the said Company should be enabled adequately to supply with

49 G.3.c.192.

53 G.3.c.20.

56 G.3.c.12.

[Local.]

Water

Power to
raise
50,000*l.* by
new Shares.

Water the said Towns of *Manchester* and *Salford* and the said adjoining Townships: And whereas the Powers and Authorities by the said recited Acts granted are ineffectual for effecting the Purposes aforesaid: And whereas the said Company have expended large Sums of Money in constructing Machinery, Buildings, and Reservoirs upon their Works, and it is expedient that the said Company should be enabled to expend further Sums thereupon by increasing the Capital Stock of the said Company, and raising Money on the Security of their Property and Revenue; and it is expedient that the Powers and Provisions of the said recited Acts should be altered and amended, and further Powers granted, for the better and more effectually accomplishing the Purposes aforesaid; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in addition to the Sums authorized to be raised by the said recited Acts, it shall and may be lawful to and for the Company of Proprietors of the *Manchester and Salford* Waterworks, to raise, for the Purposes of the said recited Acts and of this Act, any Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, by the Creation of any Number of additional Shares of One hundred Pounds each, and to sell and dispose of the same at such Price, and payable by such Instalments, and at such Times, as the said Company at any General or Special General Assembly, to be convened in the Manner and under the Authority of the said recited Acts and of this Act, shall resolve and determine upon in that Behalf; and that the said Company shall have full Power to sue for the Amount of such Instalments when due, either at Law or in Equity, in the same Manner as is provided by the said first-recited Act, with respect to the Calls thereby authorized to be made and enforced; and all Purchasers of such new Shares, from and after the Time that they shall be comeintituled to such new Shares respectively, shall become Proprietors of the said Undertaking, and shall be entitled to the same Privileges and Benefits, and subject to the same Conditions and Obligations, as generally and extensively, to all Intents and Purposes, as if such Shares had been originally created under the Authority of the said first-recited Act; and the Admission of such Purchasers respectively to any such new Share or Shares, pursuant to any Order or Resolution of the said Company of Proprietors, shall be and be deemed to be a good and effectual Title to such Purchasers respectively, and their respective Executors, Administrators, Successors, or Assigns, on his or their paying to the said Company of Proprietors, or their Treasurer or Treasurers for the Time being, the Purchase Money agreed to be paid for such Shares respectively.

Shares to be
Personal
Estate.

II. And be it further enacted, That all and every the Shares in the said Undertaking and in the Profits thereof, and in the Estate, Joint Stock, and Funds of the said Company, shall be deemed Personal Estate, and transmissible as such, and not in the Nature of Real Property.

Power to
borrow
Money by
Mortgage.

III. And be it further enacted, That in case the said Company of Proprietors shall be desirous to borrow the said Sum of Fifty thousand Pounds, or any Part thereof by Mortgage of the said Undertaking, it shall

shall and may be lawful 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, by way of Mortgage of the said Undertaking, and of the Works thereto belonging, and of the Property, Rates, Funds, and Estates thereof or any Part thereof; and the said Company of Proprietors are hereby authorized and empowered, under their Common Seal, to grant or convey the said Undertaking, and all the Works thereto belonging, and the Property, Rates, Funds, and Estate thereof, as a Security for the Repayment of any such Sum or Sums of Money so to be borrowed, with Interest for the same.

IV. And be it further enacted, That every such Grant or Conveyance to be made as a Security for any such Sum or Sums of Money so to be borrowed, shall and may be in the Words or to the Effect following; (that is to say),

‘ **B**Y virtue of an Act passed in the Second Year of the Reign of His Majesty King George the Fourth intituled “ An Act ” [*here set forth the Title of this Act*], we, the Company of Proprietors of the Manchester and Salford Waterworks, 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 Works thereof, and the Property, Rates,
 ‘ Funds, and Estate thereof, of whatever Description: 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 _____’

Form of
Conveyance.

And an Entry or Memorial of every such Grant or Conveyance, containing the Dates, Names of the Parties, and Sums thereby secured, shall within Twenty Days from the Date thereof be made in a Book or Books, to be kept for that Purpose by the Clerk of the said Company.

V. And be it further enacted, That all and every Person, Body Politic or Corporate, to whom any such Grant or Conveyance shall be made as aforesaid may from Time to Time assign or transfer such Grant or Conveyance to any Person or Persons, Bodies Politic or Corporate, by Indorsement thereon, in the Words or to the Effect following; (that is to say,)

Power to
transfer the
same.

‘ **I** *A.B.* in consideration of the Sum of _____ paid by
 ‘ *E. F.* of _____ do hereby assign and transfer the
 ‘ within Security, and all my Interest therein, unto the said *E. F.*, his
 ‘ Executors, Administrators, and Assigns. Witness my Hand and Seal
 ‘ this _____ Day of _____ in the Year of our Lord _____’

Form of
Transfer.

And an Entry or Memorial of every such Assignment shall, within Twenty Days from the Date thereof, be made and executed in like Manner as of the original Grants or Conveyances; and for the Entry or Memorial of every such original Grant, and of every such Assignment, the said Clerk shall be paid by the Party to whom such Grant or Assignment shall be made the Sum of Two Shillings and Sixpence and no more.

VI. And

Interest to be paid half-yearly.

VI. And be it further enacted, That the Interest of the Money which shall be borrowed on Mortgage as aforesaid shall be paid half-yearly to the several Parties entitled thereto, before any Dividend or Distribution to the Proprietors of the said Company or any of them shall be made or divided : Provided always, that no Person or Persons to whom any such Grant or Assignment shall be made shall be deemed a Proprietor or Proprietors of any Share or Shares, or be capable of acting or voting by virtue of any such Grant or Assignment at any Assembly or General Meeting of the said Company of Proprietors, for or on account of his or her having paid or lent any Money on the Credit of the said Undertaking and the Proceeds thereof.

Mortgages not to be paid off without Notice.

VII. Provided always, and be it further enacted, That no Sum or Sums of Money, so lent and advanced on Mortgage, shall be paid off or redeemed (save with the Consent of the Mortgagee or Mortgagees), unless Six Calendar Months previous Notice, under the Common Seal of the said Company of Proprietors, shall have been given to the said Mortgagee or Mortgagees, or left at his, her, or their last or usual Place of Abode, of such Intention to pay off and redeem the same.

Power to borrow Money on Bonds or Promissory Notes.

VIII. And be it further enacted, That if the said Company of Proprietors shall think it expedient to borrow the said Sum of Fifty thousand Pounds, or any Part thereof, by Bonds or Promissory Notes, under their Common Seal, it shall and may be lawful for them so to do ; and all such Bonds or Notes shall be made with such legal or less Rate of Interest, and in such Manner as the said Company shall think proper : Provided always, that all Interest of the Money so to be borrowed on Bonds or Promissory Notes shall be paid in like Manner half-yearly, in preference to any Dividends or Interest that shall be payable to the said Company of Proprietors or any of them ; and an Entry of every such Bond or Promissory Note, containing the Date, Names of the Parties, Penalties and Sums of Money thereby secured, shall, within Twenty Days from the Date thereof, be made by the Clerk to the said Company in a Book or Books to be kept for that Purpose : Provided always, that every Person, Bodies Politic or Corporate, to whom any Money shall be due, or any Mortgages or Bonds, or Promissory Notes given or granted by the said Company of Proprietors by virtue of this Act, shall rank *pari passu*, and without any Preference by reason of the Priority of any such Mortgages, Bonds, or Promissory Notes, or on any other Account whatsoever.

Former Mortgages and Annuitants to have the Preference.

IX. Provided always, and be it further enacted, That all Sum and Sums of Money, which are now justly due or owing by the said Company of Proprietors on Mortgages, Annuities, and Bonds heretofore given or granted by the said Company of Proprietors by virtue of the said recited Acts, shall have Preference and Priority in Payment to the Mortgages, Bonds, and Promissory Notes which shall be given or granted by the said Company by virtue of this Act.

For the Protection of the Exchequer Bill Commissioners.

X. And whereas the Commissioners acting in the Execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount for the carrying on of Public Works and Fisheries in the United Kingdom,*

Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned; and another Act passed in the same Session, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*, did, on or about the First Day of *October* One thousand eight hundred and seventeen, advance and lend to the said Company of Proprietors of the *Manchester and Salford Waterworks* the Sum of Twenty thousand Pounds in Exchequer Bills, upon the Security of a certain Indenture of Mortgage under the Common Seal of the said Company, and bearing Date on or about the said First Day of *October* One thousand eight hundred and seventeen, whereby, for the Considerations therein mentioned, the said Company of Proprietors assigned to *William Holden* Esquire, the Secretary of the said Commissioners for the Issue of Exchequer Bills, all and every the Rates, Tolls, Taxes, and Receipts whatsoever accruing, or which might at any Time thereafter accrue, arise, be taken, collected, or received, to or by the said Company of Proprietors, under or by virtue of the said Acts of the Forty-ninth, Fifty-third, and Fifty-sixth Years of His said late Majesty, or any or either of them, or any Act in the said Acts, or any or either of them, recited, mentioned, or referred to, subject to Redemption, upon Payment by the said Company of Proprietors, on or before the First Day of *October* in every Year during the Term of Five Years from the Date of the said Indenture, to the Secretary for the Time being of the said Commissioners, of Interest at the Rate of Five Pounds *per Centum* for the said Sum of Twenty thousand Pounds, or such Part thereof as should for the Time being remain due from the said Company of Proprietors, and the further Sum of One thousand Pounds, in or towards the Discharge of the said Principal Sum of Twenty thousand Pounds, and also upon Payment by the said Company of Proprietors, on the First Day of *October* in every succeeding Year, from and after the Expiration of the said Five Years from the Date of the said Indenture, of Interest at the Rate aforesaid, and the further Sum of Two thousand Pounds, in discharge of the said Principal Sum of Twenty thousand Pounds, until the whole of the said Principal Sum and Interest should be discharged in manner aforesaid, or by any other Acceptance of the same by the said Commissioners for the Issue of Exchequer Bills: And whereas the said Company of Proprietors have paid all Instalments due on the said Indenture up to the First Day of *October* preceding the passing of this Act: Be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner encumber or affect the Security given by the said Company of Proprietors to the Secretary of the said Commissioners as aforesaid; and that all and every the additional Rates, Tolls, Taxes, and Receipts granted or intended to be granted to the said Company of Proprietors by this Act, shall form a Part of, and are hereby enacted and declared to be comprehended in, and to form a Part of the Security so given and executed by the said Company of Proprietors to the Secretary of the said Commissioners for Repayment of the said Loan advanced to the said Company of Proprietors as aforesaid; anything herein contained to the contrary thereof in anywise notwithstanding.

XI. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors and their Successors, by themselves, Power to complete Works.

[Local.]

17 D

their

their Officers, Servants, Agents, Workmen, and Assistants, to erect and build, make, complete, alter, repair, and maintain such Waterworks, Aqueducts, Steam Engines, Reservoirs, Pipes, Pumps, Cisterns, Ponds, and other Works and Things, as shall be requisite or convenient for adequately supplying with Water the Inhabitants of the said Towns of *Manchester* and *Salford*, and of the said adjoining Townships of *Hulme*, *Chorlton Row*, *Ardwick*, *Newton*, *Cheetham*, *Broughton*, and *Pendleton*; and for better effectuating the aforesaid Purposes from Time to Time, and as often as may be necessary, to dig and break up the Soil and Pavement of any of the Roads, Highways, Footways, Commons, Streets, Lanes, Alleys, Passages, and public Places and private Grounds (with the Consent of the Owners and Occupiers of such private Grounds), within the said Towns of *Manchester* and *Salford*, and the aforesaid adjoining Townships, and also between any of the Reservoirs of the said Company and the said Towns or Townships, and also to sink, place, repair, alter, and contrive Pipes, Trunks, Cocks, Valves, and other Conveniences for the Purposes aforesaid, as the said Company shall think proper; and from Time to Time to take and use all such other Acts, Ways, and Means for the Purpose of collecting, conveying, bringing, lodging, and distributing Water into the said Towns of *Manchester* and *Salford*, and the said adjoining Townships, and for completing, amending, improving, preserving, or renewing the Works, as may be deemed necessary and proper by the said Company; and to enter into, pass and repass to and from the aforesaid Works, and carry and convey Materials and other Things to and from the same, from Time to Time, as often as shall be necessary for the Purposes aforesaid, they the said Company of Proprietors, their Officers, Agents, Workmen, and Assistants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction for any Damages thereby occasioned: 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 Reservoir, 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, without the Consent of the Owner or Owners, Proprietor or Proprietors, and Occupier or Occupiers thereof.

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

Steam Engine to consume its own Smoke.

XII. And be it further enacted, That the Furnace of every Steam Engine to be erected by the said Company of Proprietors, under or by virtue of the Powers of the said recited Acts and this Act, shall be constructed upon the Principle of consuming its own Smoke.

No waste or surplus Water to be taken from the Rochdale or Ashton Canals.

XIII. Provided always, and be it further enacted, 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 take any waste or surplus Water from the *Rochdale* or *Ashton* Canals for the Purposes of this Act; or to make any Aqueduct, Tunnel, Feeder, Pipe or Pipes, or other Works whatever, for the Supply or Conveyance of Water across, over, or under, or to break up, dig up, or by any Means enter into, any of the Lands or Grounds of the Trustees named and appointed by and under the last Will and Testament of the late Duke of *Bridgewater*

Bridgewater, without the Consent in Writing of the said Trustees, their Heirs or Assigns, first had and obtained.

XIV. Provided also, and be it further enacted, That the said Company of Proprietors shall be obliged, in the Manner directed by the said recited Acts and this Act, to furnish a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a private Dwelling House in any Square, Street, Close, or Lane of the said Towns of *Manchester* and *Salford*, and the Townships of *Hulme*, *Charlton Row*, *Ardwick*, *Newton*, *Cheetham*, *Broughton*, and *Pendleton*, where the Pipes of the said Company of Proprietors now are or hereafter shall be laid, for the Use of his or her own Family, at the following Rates *per Annum*; that is to say, where the Rent of such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings; and where such Rent shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds; and where such Rent shall be above Forty Pounds and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten Shillings; and where such Rent shall be above Sixty Pounds and not exceeding Eighty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such Rent shall be above Eighty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds Ten Shillings; and where such Rent shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and every such Rate shall be payable according to the actual Amount of the Rent, where the same can be ascertained; and where the same cannot be ascertained, according to such Rent as such Inhabitant shall be assessed for the House Tax: Provided nevertheless, that the said Company shall not be entitled to receive from any such Inhabitant more than the Sum of Ten Pounds in any One Year for such Supply; nor shall such Company be obliged to furnish such Supply to any Inhabitant for less than Twelve Shillings in any One Year, unless they shall think fit so to do; and provided further, that in the Case of Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Alehouse-keepers, Vintners, or other Persons requiring a Supply of Water for other Purposes than those of his or her own Family's Consumption, or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said Company of Proprietors, in such Cases, at such Rate as shall be settled by and between the Directors or Committee of Management of the said Company and such Persons respectively.

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

XV. And be it further enacted, That all and every the Sum and Sums of Money which shall or may be raised by virtue of this Act, shall be laid out and applied by the said Company of Proprietors, in the first place in discharging the Costs, Charges, and Expenses incurred in obtaining and passing this Act, and afterwards in the Payment and Discharge of all such Debts and Expenses as shall or may have been already incurred or shall hereafter be incurred in carrying on and finally completing the Works of the said Company, and generally for carrying into effect the Purposes and Provisions of the said recited Acts and of this Act.

For paying the Expenses of this Act.

XVI. And

Clerk restrained from acting as Treasurer, and vice versa.

XVI. And be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or of this Act or of any of them; or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company for the Purposes of the said recited Acts or of this Act, or of any of them, and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or of this Act, or of any of them; or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Acts or of this Act, or of any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record, with Double Expenses of Process.

How Notices shall be served on the Company.

XVII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Company, or any Citation or Summons, or other legal Proceedings, the Service upon any Member of the Directory or Committee of Management, or the Clerk of the said Company, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Provisions of former Acts extended to this Act.

XVIII. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Privileges, Restrictions, Penalties, Forfeitures, Clauses, Remedies, Matters, and Things whatsoever contained in the said recited Acts, so far as the same are now in force, shall extend and be construed to extend, operate, and be in force with respect to the said Company and others carrying this Act into execution, and to the Monies to be raised and the Shares to be created by virtue of this Act, and the supplying the said adjoining Townships with Water, and all other Matters and Things herein comprised, or which may arise in the Execution of this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act, and made Part thereof; and the said several recited Acts and this Act shall, as to all Matters and Things whatsoever, be construed as One Act.

Public Act.

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

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