



ANNO SEPTIMO

# GEORGII IV. REGIS.

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## *Cap. cx.*

An Act for better supplying the Inhabitants of the  
City of *Chester* with Water. [26th *May* 1826.]

**W**HEREAS the City of *Chester* is at present scantily supplied with pure and wholesome Water: And whereas the said City has of late Years become very populous, and is greatly increased in Houses and Buildings, and is likely to continue to increase, and for Want of a sufficient Supply of pure and wholesome Water for domestic and other Purposes, the Inhabitants thereof are subject to much Inconvenience, and would be liable to great Danger and the most calamitous Consequences in case of Accidents by Fire; but such Inconveniences and Danger might be prevented, and much public Benefit obtained, if a constant Supply of Water from the River *Dee* were conveyed by means of Pipes to the said City: And whereas a Reservoir, Steam Engine, Wheels, Pumps, and other Apparatus, may be conveniently erected within a certain Garden called the *Barrel Well Garden*, situate in *Boughton* within the Parish of *Saint John the Baptist* in the said City of *Chester*, by which a constant Supply of Water from the said River *Dee* may be obtained, for the Use of the Inhabitants of the said City of *Chester*: And whereas the several Persons herein-after mentioned

[*Local.*] 36 C are



Proprietors  
incorporated.

are willing and desirous to undertake, at their own Expence, to effect the Purposes aforesaid; but the same cannot be done 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 *Elizabeth Atkinson, John Barclay, John Brown, William Brown, William Boden, Sarah Brown, Abraham Ball, Samuel Bromfield, Letitia Burrows, William Beckwith, William Brown, Israel Barne, Harmood Banner, Robert Bagott, Joseph Bateman, Thomas Bagnall, Joseph Blake, Charles Cholmondeley, Hugh Cholmondeley, Thomas Cholmondeley, George James Cholmondeley, Thomas Cartwright, William Cole, John George Crump, George Hammerton Crump, Charles Chilton, John Davies, John Davidson, William Dixon, Thomas Dixon, James Dixon, Leigh Evans, George Eaton, Mary Ecking, John Edwards, Owen Foulkes, Samuel Freeman, Booth Grey, Mary Garratt, John Grindley, Harwar Garratt, Frances Gibbons, George Gaman, Mary Griffith, Edward Griffin, William Harbridge, Thomas Hodson, John Highfield, Samuel Hope, George Harper, John Hassall, Edward Jones, Ann Jones, Henry Kelsall, Thomas Kendrick, John Lowe, Simeon Leet, Ann Leatherbarrow, John Larden, Thomas Lindop, Mary Leet, Thomas Shaw Mellor, John Mellor, Robert Maddock, Maria Elizabeth Mead, the Reverend William Molineux, Thomas George Massey, John Myers, Maria Moor, William Newell, John Prichard, Edward Trevor Pover, John Holland Pemberton, Thomas Richards, Ann Richards, William Reece, Griffith Rowlands, Hugh Rowe, John Royle, Samuel Rushton, Isaac Spedding, Samuel Soorn, William John Seller, James Smith, Josiah Thomas, Faithful Thomas, John Thomas, William Turner, Richard Tallis, Edward Tilston, Thomas Tolver, John Williamson, John Whittle, Thomas Whittakers, Samuel Witter, Charles Whittingham, Richard Weaver, William Henry Worthington, Ann Wilkinson, and Mary Whittle*, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, and maintaining the Works and Conveniences hereby authorized to be made, according to the Provisions herein-after contained, and shall for that Purpose be One Body Politic and Corporate, by the Name of "*The City of Chester Waterworks Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power to purchase Houses, Buildings, Lands, Tenements, and Hereditaments, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and to enter into Contracts, Bonds, and other Assurances for effectually carrying this Act into Execution.

This Act to  
be put in  
force on the  
passing  
thereof.

II. And whereas the probable Expence of carrying the Purposes of this Act into Execution will, according to an Estimate made thereof, amount to the Sum of Twenty thousand Pounds, which said Sum hath been already subscribed for defraying such Expences, by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the Powers and Author-



rities given by this Act may be put in force immediately on the passing thereof.

III. And be it further enacted, That the Capital or Joint Stock of the said Company of Proprietors shall be the Sum of Twenty thousand Pounds, or of the Value thereof, and the said Sum of Twenty thousand Pounds shall be divided into Shares of Fifty Pounds each, and the Proprietor or Proprietors of every such Share shall from Time to Time, in respect thereof, be entitled to such Proportion of and in the Joint Stock and Profits of the said Concern, as the Share or Shares of which he, she, or they shall be possessed shall bear to the whole Number of Shares in the said Undertaking.

Capital to be 20,000*l.*  
divided into  
Shares of 50*l.*

IV. And be it further enacted, That the Shares of the several Proprietors in the said Undertaking shall be deemed and considered as Personal Estate, and transmissible as such to their respective Executors, Administrators, and Assigns.

Shares to be  
Personal  
Estate.

V. And be it further enacted, That every Proprietor of One or more Share or Shares in the said Undertaking shall in respect thereof be entitled to One Vote for and in respect of each such Share or Shares, at all General and Special Meetings of the said Company: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower any Proprietor of Shares in the said Undertaking to give more than Ten Votes at any such Meeting as aforesaid.

Proprietors  
of Shares to  
have Votes  
in respect  
thereof.

VI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of any Share or Shares in the said Undertaking, the Person who is first named in the List of Proprietors, being present, shall at any Meeting of the said Company be solely entitled to vote in respect of such Share or Shares.

Joint Pro-  
prieters.

VII. And be it further enacted, That no Member of the Committee for the Time being shall become personally answerable for the Performance of any Agreement into which he shall or may have entered, as one of such Committee, on behalf of the said Company; but all Persons with whom any Contracts or Agreements shall from Time to Time be entered into by the said Committee shall have full Power to resort to and proceed against the said Company, either at Law or in Equity, for the Performance of every such Contract or Agreement, or for Damages occasioned by any Breach or Nonperformance thereof; and the Joint Stock and Property of the said Company shall from Time to Time be answerable and accountable for the due Performance of every Contract entered into by the said Committee, and for all Damages which shall be recovered by reason of any Breach or Nonperformance thereof.

Members of  
Committee  
not person-  
ally liable.

VIII. And be it further enacted, That a General Meeting of the said Company of Proprietors shall be holden in the Commercial Rooms, or some other convenient Place in the said City of *Chester*, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, at One of the Clock in the Afternoon, at which Meeting the Majority of the Proprietors then present shall proceed, in the first Place,

First General  
Meeting.

to



to elect a Chairman of the said Meeting, and afterwards to appoint a Clerk and Treasurer or Treasurers to the said Company, under such Regulations, and liable to be removed under such Circumstances, as at that or any other General or Special Meeting of the said Proprietors shall be directed; and in the Event of there being an Equality of Votes at the said First Meeting, or at any other General or Special Meeting of the said Proprietors, upon any Question, then and in every such Case the Chairman at such Meeting shall have the casting Vote; and all Orders and Proceedings of every General and Special Meeting shall be fairly entered in a Book to be provided for that Purpose, and shall be signed by the Chairman of every such Meeting; and such Orders and Proceedings, so signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read as Evidence in all Courts and Places whatsoever.

Treasurer to  
give Security.

IX. And be it further enacted, That the said Company shall take sufficient Security from the Treasurer or Treasurers to be by them appointed, and from all other Officers who shall have the Care and Custody of Money or other Effects belonging to the said Company, for the due Discharge of the Duties of their respective Offices, and for the Money and other Effects that shall come to or be in their respective Hands.

Clerk not to  
act as Treas-  
urer, and  
vice versa.

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

Names of  
Proprietors  
to be entered  
and Tickets  
of their  
Shares deli-  
vered to  
them.

XI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their First General Meeting, to cause the Names and proper Additions of the several Persons who shall be then entitled to the several Shares in the said Undertaking, with the Number of the Shares belonging to each, and the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered



entered in a Book to be kept by the Clerk to the said Company, and after such Entry made to cause a Certificate, Ticket, 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, she, or they is or are entitled in the said Undertaking; and for every such Certificate such Subscriber shall pay to the Clerk of the said Company the Sum of One Shilling and no more; and such Certificate, Ticket, or Instrument shall be admitted in all Courts whatsoever 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 Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; (that is to say),

City of *Chester* Waterworks Company.

### Form of Certificate.

Number ( )

‘ **THESE** are to certify, That *A. B.* of \_\_\_\_\_ is the Pro-  
‘ prietor of One Share in the said Concern, numbered as above, and  
‘ that he [*or she,*] and his [*or her*] Executors, Administrators [*or Suc-*  
‘ cessors], and Assigns, as the Proprietor of such Share, will be entitled to  
‘ a proportionate Share of all Profits and Advantages in the said Concern.  
‘ Given under the Common Seal of the said Company the  
‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.’

XII. And be it further enacted, That for the better Management of the Concerns of the said Company, there shall be a Committee of Seven Persons annually appointed, and *Abraham Ball, Thomas Bagnall, William Newell, Griffith Rowlands, Simeon Leet, John Royle, and Samuel Witter,* shall be the First Committee for the Management of the said Concern, and shall act therein until the First Day of *July* One thousand eight hundred and twenty-seven, and thenceforth until others shall be appointed by virtue of the Powers herein-after contained; and the said Committee for the Time being, or any Three or more of them, shall from Time to Time have the entire Management of the said Concern, subject to the Bye Laws and Regulations of any General or Special Meeting of the said Proprietors, and shall enter into all such Contracts and Engagements on behalf of the said Company as they shall think fit, and order all Calls for Money on the said Proprietors, and make all Payments on account of the said Company, as shall be required in the Prosecution of the said Works; for all which Purposes the said Committee shall meet from Time to Time, at such Place or Places as they shall think fit; and the said Committee at every such Meeting shall appoint a Chairman, who shall cause an Entry of all their Proceedings to be made in a Book to be kept for that Purpose; and the Majority of every such Meeting shall bind the Minority; and in case of an equal Division of Votes of the Members of the said Committee on any Occasion, the Chairman shall give his casting Vote, although he shall have before voted on such Question; and the Minutes of the Proceedings of every Meeting of such Committee shall be signed by the Chairman of such Meeting, and shall be conclusive Evidence of the Orders which shall be therein expressed and contained.

**Committee  
appointed for  
Management  
of the said  
Concern.**

## Their Powers.



Committee  
to go out of  
Office.

XIII. And be it further enacted, That Two of such Committee shall retire or go out of Office annually, and no Proprietor shall be continued longer on any such Committee than Three successive Years; and no Person holding an Office of Profit under the said Company of Proprietors, or concerned in any Contract, or a Dealer, either directly or indirectly, in any of the Articles to be provided or manufactured by the said Company, shall be a Member of the said Committee.

General  
Meetings of  
Company to  
be holden  
for appoint-  
ing Officers  
and making  
Bye Laws.

XIV. And be it further enacted, That on the First *Thursday* in the Month of *June* One thousand eight hundred and twenty-seven, and on the First *Thursday* in the Month of *June* in each succeeding Year, or within Fourteen Days next after either of those Days, a General Meeting of the said Company of Proprietors shall be holden, when the Committee of Management for each succeeding Year, to commence from the First Day of *July* following, shall be appointed, and such Rules, Orders, Regulations and Bye Laws, for the Government of the said Company and their Concerns, and the Conduct of the Committee, Officers, Servants, Agents, and Workmen employed in the Execution of this Act, shall be made, as shall from Time to Time be deemed expedient; and the said Company shall at any such General Meeting, or at any Special Meeting to be called as herein-after mentioned, have full Power to adjourn themselves from Time to Time and from Place to Place, as they shall think fit; and at any such Meeting shall and may impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Orders, Regulations, and Bye Laws, not exceeding the Sum of Five Pounds for any One Offence; and from Time to Time to alter or repeal such Rules, Orders, Regulations, and Bye Laws, or any of them, or any Part thereof, and to make new Rules, Orders, Regulations, and Bye Laws, instead of those so repealed, as to them shall seem meet; which said Rules, Orders, Regulations, and Bye Laws, being reduced into Writing, and entered in the Order Book of the said Company, and authenticated by the Common Seal thereof, shall be binding on and allowed by all Parties, and shall be sufficient in any Court of Law or Equity to justify any Person or Persons who shall act under the same, provided the same be not repugnant to any of the Provisions of this Act, or to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*: Provided always, that Copies thereof shall be affixed and continued in the Office of the Clerk of the said Company of Proprietors; and all such Rules, Orders, Regulations, and Bye Laws, and all Alterations made therein, shall be subject to Appeal in manner herein-after directed.

To compel  
Payment of  
Subscrip-  
tions.

XV. And be it further enacted, That the several Persons and Bodies Corporate and Politic who have subscribed for or towards the said Undertaking, or who shall at any Time hereafter have or hold any Share or Shares in the same, shall and they are hereby respectively required to pay the Sum or Sums of Money by them respectively subscribed and to be subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for, pursuant to or by virtue of the Powers and Directions of this Act, at such Times and Places, to such Person or Persons, and in such Manner as shall be ordered and directed by the said Company of Proprietors, or their Committee of Management; and in case any Person or Persons, Bodies Corporate or Politic, shall neglect or refuse to pay



pay any such Money, at such Times and in such Manner as shall be ordered and directed by the said Company of Proprietors, or their Committee of Management as aforesaid, it shall be lawful for the said Company to sue for and recover the same by Action of Debt or otherwise, in any of His Majesty's Courts of Record at *Westminster*, together with lawful Interest for the same from such appointed Time of Payment, and all Costs of Suit, from such Person or Persons, or Bodies Corporate and Politic respectively, or in case where Two or more Persons or Bodies Corporate and Politic shall have jointly subscribed for or be jointly possessed of any One or more Share or Shares in the said Undertaking, then from all, any, or either of such joint Subscribers.

XVI. And be it further enacted, That the Committee of Management for the Time being of the said Company of Proprietors shall have full Power and Authority to make such Call or Calls for Money from the several Proprietors of the said Undertaking, their Executors, Administrators, Successors, and Assigns, as the said Committee of Management shall from Time to Time find wanting and necessary for the Purposes of the said Undertaking, so that no such Call do exceed the Sum of Ten Pounds *per Centum* for and in respect of any One Share, and so that no Call or Calls be made but at the Distance of One Calendar Month at least from each other; and the Sum or several Sums of Money so to be called for shall be paid into the Hands of the Treasurer to the said Company for the Time being, to be issued and applied as directed in this Act; and the said several Sums of Money so called for shall be paid at such Time and Place as shall be directed and appointed by the said Committee in that Behalf; and if any Person or Persons shall neglect or refuse to pay his, her, or their Proportion of the Money so to be called for, during the Space of Twenty-one Days next after the Time appointed for Payment thereof, then and in such Case such Person or Persons so neglecting or refusing, shall absolutely forfeit all his, her, or their Share, Part, and Interest in the said Undertaking and Capital Stock, and all Profit and Advantage thereof, and all Money heretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the rest of the said Company; and all Shares which shall or may be so forfeited shall or may be sold at a public Sale for the most Money that can be gotten for the same, and the Produce thereof shall be applied to the general Purposes of this Act; and the said Committee of Management, or any Five of them, shall have Power and Authority to assign and transfer such Shares to such Person or Persons as shall become the Purchaser or Purchasers thereof; but no Advantage shall be taken of such Forfeiture of any Share in the said Undertaking as aforesaid, unless the same shall be declared to be forfeited at some General or Special Meeting of the said Proprietors which shall be held not earlier than Three Calendar Months next after the said Forfeiture shall happen; and every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor and Proprietors, or his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, and the said Company,

Calls to be made on Subscribers.

If Persons neglect to pay Calls, the Shares to be forfeited, and may be sold again.



pany, with regard to the future carrying on and Management of the said Undertaking.

Company not  
to sell more  
Shares than  
sufficient to  
answer Calls.

XVII. Provided always, and be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall not by virtue of this Act sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of all and every such Call or Calls, and the Interest and Expences as aforesaid, any Share vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share has belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Special  
Meetings  
may be called  
by the Com-  
mittee.

XVIII. And be it further enacted, That if at any Time it shall appear to the said Committee, or any Four or more of them, or to any Ten or more Proprietors possessed of Fifty Shares at the least in the said Undertaking, to be necessary or expedient to call a Special Meeting of the Proprietors at large, or for taking the Opinion and Determination of the said Company on any Matter or Thing relating to the said Concern, then and in every such Case it shall be lawful for such Committee, or any Four or more of them, or for such Proprietors, to call a Special Meeting of the Proprietors at large, by Notice to be inserted in some One or more Newspaper or Newspapers printed or circulated in the said City of *Chester*, specifying the Time and Place when and where the said Special Meeting is intended to be holden, not being less than Fourteen Days next after the First Publication of such Notice, and likewise specifying the Reason for calling such Special Meeting; and the Proprietors are hereby authorized to meet pursuant to any such Notice, and take into consideration and determine the Matter or Matters which shall be submitted to them by the said Committee, or expressed in such Requisition and specified in such Notice; and every Election, Decision, and Determination of the Proprietors present at such Special Meeting, or the major Part of them, shall be as valid, to all Intents and Purposes, as if the same had been made at any General Meeting of the said Proprietors.

Shares may  
be disposed  
of.

XIX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking to sell or dispose of his, her, or their Share or Shares therein, subject to the Rules and Conditions in this Act mentioned; and an Entry of every Transfer shall be made in a Book or Books to be kept for that Purpose by the Clerk to the said Company, for which Entry the Sum of Two Shillings and Sixpence and no more shall be paid, and the said Clerk is hereby required to make or cause to be made such Entry accordingly; and until the Entry of such Transfer shall be made by the Clerk to the said Company, and entered as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote as a Proprietor or Proprietors.

XX. And



XX. And be it further enacted, That every Transfer to be made of any Share or Shares in the said Undertaking shall be in the Form or to the Effect following; (that is to say),

‘ **I** *A.B.*, in consideration of the Sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ Form of  
 ‘ *C.D.*, do hereby bargain, sell, and transfer to the said *C.D.* Transfer.  
 ‘ Share [*or Shares, as the Case may be*], in the City of *Chester*.  
 ‘ *Waterworks Company*, to hold to the said *C.D.*, his Executors, Admi-  
 ‘ nistrators, and Assigns, subject to the same Rules and Orders, and on  
 ‘ the same Conditions on which I held the same immediately before the  
 ‘ Execution hereof: And I the said *C.D.* do hereby agree to accept the  
 ‘ said Share [*or Shares*], subject to the same Rules, Orders, and Condi-  
 ‘ tions. Witness our Hands and Seals, the \_\_\_\_\_ Day of  
 ‘ in the Year of our Lord \_\_\_\_\_

XXI. Provided always, and be it further enacted, That no Transfer of After Call,  
 any Share or Shares in the said Undertaking shall be made or allowed no Transfer  
 after any Call shall have been made on the Proprietor or Proprietors to be made  
 thereof, until every such Call shall have been fully paid and satisfied. till Call paid.

XXII. Provided always, and be it further enacted, That in case the said Power to  
 Company of Proprietors shall be desirous of raising any further Sum or raise Money  
 Sums of Money which may be necessary for the Purposes aforesaid, (not by Mortgage  
 exceeding the Sum of Four thousand Pounds,) by Mortgage of the said of the Under-  
 Undertaking, it shall be lawful for the said Company of Proprietors taking.  
 to borrow and take up at Interest all or any Part of such Sum or Sums of  
 Money on the Credit of the said Undertaking, and the Profits and Advan-  
 tages 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 Sum or 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  
 lend or advance the same; all which said Assignments shall be made under  
 the Common Seal of the said Company, and shall or may be in the Form  
 or to the Effect following; (that is to say),

‘ **BY** virtue of an Act passed in the Seventh Year of the Reign of King Form of  
 ‘ *George the Fourth*, intituled *An Act, &c.* [*here insert the Title of this Mortgage.*  
 ‘ *Act,*] we, the Company of Proprietors of the *Chester Waterworks*, in  
 ‘ consideration of the Sum of \_\_\_\_\_ to us in hand paid  
 ‘ by \_\_\_\_\_ of \_\_\_\_\_ do hereby bargain,  
 ‘ sell, and assign unto the said \_\_\_\_\_ [his, or her, or their, as  
 ‘ *the Case may be*] Executors, Administrators, or Assigns, the said Water-  
 ‘ works, and all the Works thereunto 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 \_\_\_\_\_ Executors, Ad-  
 ‘ ministrators, and Assigns, until the said Sum of \_\_\_\_\_  
 ‘ with Interest for the same after the Rate of \_\_\_\_\_ Pounds *per Centum*  
 ‘ *per Annum*, shall be fully paid and satisfied. Given under our Common  
 ‘ Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight  
 ‘ hundred \_\_\_\_\_

[Local.]

36<sup>E</sup>

And



**Form of Transfer.**

**Empowering  
the Company  
to purchase  
the Interest<sup>o</sup>  
of the Pro-  
priators of  
the present  
Chester  
Waterworks.**

XXIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any Time or Times after the passing of this Act, and they are hereby fully authorized and empowered (if they shall think fit) to purchase, take, and hold, for the Purposes of this Act, of and from the Owners or Proprietors of the present Waterworks in the said City of *Chester*, all and every or any of the Mains, Pipes, Reservoirs, and Machinery of every Kind and Description, and all the Right, Title, Interest, Benefit, Advantage, Claim, and Demand whatsoever, of or belonging to such Owners or Proprietors, by virtue of or under any Grant or Grants, or other Authority, from the Mayor and Citizens of the City of *Chester*, or otherwise, at or for such Price or Consideration as shall be mutually fixed and agreed upon by and between the said Company and such Owners or Proprietors of the said present Waterworks in the said City of *Chester* as aforesaid; and upon Payment being made by the said Company of such Price or Consideration for the Purchase of the said Premises as aforesaid, the Owners and Proprietors thereof, and every of them, are hereby accordingly authorized, empowered,



empowered; and required to convey and assure the same and every Part thereof, and all their Right, Title, and Interest therein, to the said Company and their Successors; who shall thenceforth and for ever thereafter hold and enjoy the same for the Purposes and according to the true Intent and Meaning of this Act; and all and every the Clauses, Powers, Provisions, Regulations, Matters, and Things in this Act contained, for enabling the said Company to purchase, and incapacitated and other Persons to sell and convey, Lands, Tenements, or Hereditaments, for the Purposes of this Act, shall extend and be applicable (as far as Circumstances will permit) to the purchasing, selling, and conveying of the said Mains, Pipes, Reservoirs, and Machinery, Powers, Liberties, Licences, Authorities, and Premises herein mentioned or referred unto; and shall be used and adapted accordingly.

XXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and their Successors and Assigns, to treat, contract, and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or Lives, or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffee in Trust, Trustees, Executors, Administrators, Husbands, Guardians, or Committees of or for Lunatics or Idiots, or other Trustees whomsoever, or with any Feme or Femmes Covert who is, are, or shall be seised, possessed of, or interested in her or their own Right or Rights, or with any other Person or Persons whomsoever, who shall be willing to sell the same for the Uses and Purposes of this Act, for the Purchase of any Lands, Grounds, Tenements, or other Hereditaments which they the said Company of Proprietors are enabled to purchase by virtue of this Act, or to accept and take any Lease or Leases thereof, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, or of any other Law or Statute whatsoever.

Company  
may purchase  
Lands, &c.

XXV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every other Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or other Hereditaments, or any Part thereof, which shall be thought necessary by the said Company to be purchased as aforesaid for the Uses and Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Company, for the Purposes of this Act; and all Contracts, Bargains, Sales,

Bodies Politic, &c. empowered to sell.



Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, and without Inrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons whomsoever, is, are, and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Provision in  
case of Re-  
fusal or Ina-  
bility to sell.

XXVI. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feme Covert, Tenant for Life or Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever interested in any Lands, Tenements, or Hereditaments which shall be set out and ascertained for making and placing any of the Reservoirs, Cisterns, Drains, Aqueducts, Conduits, and other Works and Conveniences which the said Company are herein-before enabled to purchase or treat for, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests, in, to, or upon the same or any Part thereof, unto the said Company, or to such Person or Persons as they shall nominate, for the Purposes and according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are in possession of, or to the Interest they claim therein, to the Satisfaction of the said Company, as the Case may be; or if any Dispute or Difference shall arise touching such Purchase or Purchases; then and in every such Case the said Company are hereby empowered and authorized, before any General or Quarter Sessions of the Peace to be holden for the said City, or any Adjournment thereof, to give or cause to be given to such Owner, by leaving the same at his usual Place of Abode, or with the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to leave or cause to be left at the House of the Tenant in possession Twenty-one Days Notice



Notice in Writing, denoting and particularly describing the Lands, Tenements, or other Hereditaments intended to be purchased, and stating that the Value thereof will be adjusted and settled by a Jury at the said Sessions, or any Adjournment thereof; and the Justices at the said Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been given or left, are hereby authorized and required to charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the Lands, Tenements, and other Hereditaments to which such Notices shall refer, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; to which said Jury the said Company, and all Persons interested in such Lands, Tenements, or other Hereditaments, shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of such Lands, Tenements, or other Hereditaments so to be sold or conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same, to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive to the said Company, and to all Person and Persons interested in such Lands, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions of the said City; and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words.

XXVII. Provided always, and be it further enacted, That in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid to the said Company of Proprietors, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Lands, Tenements, or other Hereditaments, shall not be paid, tendered, left, or deposited, according to the true Intent and Meaning of this Act, within One Calendar Month next after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties, any thing herein contained to the contrary thereof in anywise notwithstanding.

Verdict of the Jury not to be binding unless the Money be paid within One Calendar Month.

XXVIII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Company of Proprietors, as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon,

By whom Expences of Juries shall be paid.

[*Local.*]

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and



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

Where Persons Lands are damaged, Compensation to be made.

XXIX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given by this Act, and for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled or ascertained or assessed by a Jury; and the Sum or Sums of Money to be paid for the same shall be recovered, levied, and applied in such and the same Manner, and with the like



like Provision as to Costs and Expences, as are herein directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

XXX. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of or Damage to any Lands, Tenements, or other Hereditaments purchased, taken, or used by virtue of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *exparte* the City of *Chester* Waterworks Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and other Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or other Hereditaments, or affecting other Lands, Tenements, or other Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and other 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, or other 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 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

Application  
of Compens-  
ation when  
amounting to  
200*l*.

1 G. 4. c. 35.



Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
of Compen-  
sation Money  
when less  
than to 200*l*.  
and exceed-  
ing 20*l*.

XXXI. And be it further enacted, That if any Money so agreed or awarded to be paid for the Purchase of or Damage to any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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 other Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by 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 thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application  
of Compen-  
sation, when  
less than  
20*l*.

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

In case of  
not making  
out Titles, or  
if Persons  
cannot be  
found, the  
Purchase  
Money to be  
paid into the  
Bank.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or other Hereditaments, to be purchased by the said Company of Proprietors by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, or cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or other Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company of Proprietors to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed  
to



to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or other Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, 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, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, 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.

XXXIV. 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 Privy of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of or Damage done to any Lands, Tenements, or other Hereditaments to be taken or used for the Purposes of this Act, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession and Enjoyment of such Lands, Tenements, or other 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 entitled to such Lands, Tenements, or other Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends and 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or other Hereditaments, or to some Estate or Interest therein.

Where any  
Question  
shall arise  
as to the  
Title to  
Money, &c.

XXXV. 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 other Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, and other Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer to order the Expences of all Purchases to be from Time to Time made in pursuance of this Act, or so much of such Expences, as the Court shall deem reasonable, to be paid by the said Com-

Court of  
Exchequer  
may order  
Expences,  
&c.

[*Local.*]

36 G

pany



**Property  
purchased to  
vest in the  
Company.**

### Form of Conveyance.

I [or We] of in consideration  
 of the Sum of to me [or us] paid by the  
 City of *Chester* Waterworks Company, established by an Act passed in  
 the Seventh Year of the Reign of King *George* the Fourth, intituled  
 [*here set forth the Title of this Act*], do hereby grant and convey to the  
 said Company, and their Successors, all [*describing the Premises to be*  
*conveyed*] and all my [or our] Right, Title, and Interest to and in the  
 same and every Part thereof; to hold to the said Company and their  
 Successors for ever. In witness whereof I [or we] have hereunto set  
 my Hand and Seal [or our Hands and Seals], this Day  
 of in the Year of our Lord

**Tenants to  
deliver Pos-  
session at  
Three  
Months  
Notice.**

**XXXVIII.** And be it further enacted, That every Tenant of any Lands, Tenements, or other Hereditaments, to be purchased for the Purposes of this Act, shall deliver up Possession of the same to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession thereof, upon receiving Three Calendar Months Notice to quit such Possession



Possession from the Clerk to the said Company, or from the Person or Persons so authorized by them to take such Possession; and such Person or Persons in Possession shall, at the End of the said Three Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or the Person or Persons authorized by them to take Possession thereof (such Authority being signified under the Hand of the Clerk to the said Company); provided always, that the said Company shall first make or tender such Recompence or Satisfaction to the said Tenants or Occupiers, as the said Company shall think just and reasonable; and in case of any Dispute concerning the same, such Recompence and Satisfaction shall be settled and ascertained in such and the like Manner as the Recompence and Satisfaction to be made by the said Company, for the Purchase of Lands, Tenements, or other Hereditaments for the Purposes of this Act, are herein-before directed to be ascertained and settled; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid (all such reasonable Satisfaction being first made or tendered), it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriffs of the said City of *Chester*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriffs are hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

XXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by themselves, their Agents, Managers, Officers, Workmen, Servants, and Assistants, from Time to Time to resort to and enter into and upon the said River *Dee*, at or opposite to or adjoining the said Garden called the *Barrel Well Garden*, for the Purpose of obtaining an adequate, competent, and sufficient Supply of Water for effecting the Purposes by this Act intended, and for that Purpose to lay and make such Pipes, Drains, Aqueducts, and Conduits, underground Works, Reservoirs, and other Works and Conveniences, for conveying the Water of the said River, or a sufficient Part thereof, for the Purposes of this Act, towards and into the said City of *Chester*, and through the same, and the several Streets, Lanes, Highways, and Avenues thereof or leading thereto, and for lodging such sufficient Quantity of Water for the Supply of the Inhabitants of the said City as shall be deemed necessary by the said Company, and to supply such Pipes, Drains, Aqueducts, Conduits, and other Works, whilst laying, making, altering, or repairing, and when laid and completed, altered or repaired, with a sufficient Quantity of Water from the said River *Dee*; and from Time to Time to set and place permanent Marks for ascertaining and finding out the Line and Situations of the said Pipes, Drains, Conduits, Aqueducts, and underground Works.

Power to  
take Water  
from the  
River *Dee*;  
and to lay  
down Pipes,  
&c.

XL. Pro-



Company  
may break  
up Soil for  
laying Mains.

**XL.** Provided also, and be it further enacted, That it shall be lawful for the said Company of Proprietors, at any Time or Times, by themselves or their Deputies, Engineers, Officers, Agents, Workmen, and Servants, to break up and remove the Soil, Ground, Pavement, Flags, Stones, Gravel, or Materials of any of the present or future Streets, Roads, Lanes, and other public Passages and Places within the said City, and therein respectively to take Levels, and to dig and sink Trenches, and to lay and place Mains, Pipes, Branches, Plugs, and other Works for the Conveyance of Water, and to bank the Earth, and to remove, place, take, carry away, and use any Earth, Clay, Stones, Rubbish, Gravel, or Sand, or other Matters or Things, which may hinder, prevent, or obstruct the laying, placing, making, constructing, altering, amending, or repairing any such Aqueducts or other Works; and also from Time to Time, as Occasion may require, to take up, carry, or take away, alter, vary, or change the Position of, and to repair, relay, and maintain all such Mains, Pipes, Branches, Plugs, and other such Works as shall be thereon or therein, and to put or place new Mains, Pipes, Branches, Plugs, and other Works, and to do all such other Acts, Matters, and Things as they shall from Time to Time deem necessary or proper, for making, amending, repairing, completing, improving, cleansing, using, and perfecting any Works hereafter to be made, done, and provided for the Purposes of this Act; they the said Company, their Deputies, Engineers, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Engineers, Servants, Agents, Workmen, and all other Persons whosoever, for all Acts, Matters, or Things they or any of them shall do by virtue hereof: Provided always, that the said Company of Proprietors, after laying or removing or repairing any such Mains, Pipes, Branches, Plugs, and Works, shall forthwith fill in the Trenches, and make good the Pavements, Streets, and Roads, and remove the Rubbish occasioned thereby, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Carriages, or Cattle; and if there shall be any wilful or negligent Delay in the said Company of Proprietors, or any of their Agents or Servants, or any other Person or Persons acting by or under their Authority, in filling in any such Ground, or removing Rubbish, or making good any such Pavements, Streets, or Roads, or in case the same shall be imperfectly done, or not sufficiently lighted, or in case the Ground so opened shall not be fenced or guarded, then and in such Case it shall be lawful for the Person or Persons, Trustees, Commissioners, or Body or Bodies Politic or Corporate, in whom the Right of Soil of such Ground shall be, who by Law are liable to repair and amend the same, or any Person acting for them or him, to fill in such Ground and remove such Rubbish, and to repair and make good such Pavement, Street, or Road, and properly to fence and guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night, as to them or him shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Company of Proprietors, or their Treasurer or Treasurers, to the Person or Persons who shall have disbursed or incurred the same; and in default of



Payment thereof for Thirty Days next after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said City); all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Treasurer of the said Company of Proprietors, unless such Treasurer shall pay such Costs and Charges out of the Money remaining in his Hands on account of the Water Rents herein directed and authorized to be received, (which he is hereby authorized and empowered to do, out of any Monies received or to be received by him as such Treasurer, on account thereof, by virtue of this Act), together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant; and such Penalties shall be paid to the Person or Party who shall have disturbed or incurred the Costs and Charges as aforesaid; and the Sufficiency or Insufficiency of any such Reinstatement or Repair shall, in case of Dispute, be determined by such Justice, or any other Justice of the Peace for the said City: Provided always, that if after such Pavements, Streets, or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way or require relaying or repairing, in consequence of such Pavements, Streets, or Roads having been broken up for the Purpose of carrying this Act into Execution, the same shall be forthwith done and performed by and at the Expence of the said Company of Proprietors.

If the Pavements shall give way, after being repaired, the Company to make good the same.

XLI. Provided always, and be it further enacted, That if any Question shall arise between the said Company of Proprietors, or any of the Parties aforesaid, relative to the proper Reinstatement, sufficient or insufficient Repair or Maintenance of the Pavement, under the Provisions of this Act, of any of the Streets, Lanes, Highways, or other Places wherein the said Company may have laid any Pipes or constructed any Works, it shall be lawful for any Justice of the Peace of the said City of *Chester*, upon Information and Complaint before him, to summon the Clerk or Engineer of the said Company, or any Member of the said Committee, and to hear, examine into, and determine the Matter in a summary Way, and to award and adjudge such Sum of Money by way of Damages against the said Company, together with such Costs and Charges, as to such Justice shall seem proper; and the Amount of such Damages so awarded and adjudged shall and may be recovered from the said Company by Action of Debt, or as any other Penalty is recoverable under this Act: Provided always, that it shall not be competent for any such Justice of the Peace to hear, examine into, or determine any such Question as aforesaid, unless Two full Days Notice by the complaining Party shall have been given to the said Company of Proprietors, of the intended Application to such Justice, with the Grounds of such Complaint.

If any Question arises as to Sufficiency of Pavement, the same to be referred to a Justice, &c.

XLII. And be it further enacted, That such of the Inhabitants of the said City as shall be desirous of having Water from the said Waterworks conveyed into their Houses, Buildings, or other Premises, may and are hereby authorized and empowered, at their own Expence (having given

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Six

Inhabitants may lay Pipes to those of the Company, after giving Notice.



Six Days previous Notice in Writing of his or her Intention so to do, to the said Company of Proprietors, 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 of the Bore of Three Quarters of an Inch, or of a greater Bore, if the said Company shall consent thereto, 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 the Rates herein-after mentioned; and in case of default of Payment of any such Rate or Rates, or Sum or Sums of Money so to be paid, 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 or 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 said Houses, Buildings, and other Premises of every Person making such Default; and the Rate or Rates, Sum or Sums of Money, which shall be due and in arrear from such Person or Persons to the said 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 other Pipe as aforesaid, shall be at liberty to remove and take away such Pipe and Pipes, and the Cock and Cocks to such Pipe or Pipes belonging.

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

XLIII. Provided also, and be it further enacted, That the said Company of Proprietors shall be obliged, in the Manner before directed, to furnish such a sufficient Supply of Water, so far as their Means will allow, to every Inhabitant occupying a private Dwelling House, or Part of a Dwelling House, in any Square, Street, Close, or Lane within the said City of Chester, where the Pipes of the said Company of Proprietors hereafter shall be laid, for the Use of his or her own Family, at the following Rate *per Annum*; (that is to say), where the annual Value of such Dwelling House, or Part of a Dwelling House, shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings; and where such annual Value 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 annual Value shall be above Forty Pounds, and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds and Ten Shillings; and where such annual Value 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 annual Value shall be above Eighty Pounds, and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds and Ten Shillings; and where such annual Value shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and provided further, that in 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 or Rates as shall be settled by and between the Committee of Management of the said Company and such Persons respectively; and in case such Committee of Management of the said Company, and such Persons respectively, shall not agree as to the Amount of such last-mentioned Rate or Rates, then and in such Case it shall be lawful for any Two of His Majesty's Justices of the Peace acting for the said City of *Chester*, and not being Proprietors of any Share or Shares in the said Undertaking, and they are hereby authorized and required to settle the Amount of such last-mentioned Rate or Rates, to be paid by such Persons respectively.

XLIV. Provided also, and be it further enacted, That it shall and may be lawful for any Two of His Majesty's Justices of the Peace for the City of *Chester*, not being Proprietors of any Share or Shares in the said Undertaking, or interested therein, and they are hereby authorized and required from Time to Time to hear, settle, and determine all Differences and Disputes which shall or may from Time to Time arise, as to or concerning the Valuation of any of the Houses, Buildings, or other Hereditaments rated by virtue of this Act, or as to the Amount of or any Inequality in any Rate or Rates made in pursuance thereof, and to equalize and adjust such Rate or Rates, as to such Justices shall seem fair and just. Justices to settle Disputes.

XLV. And be it further enacted, That in case the said Company of Proprietors shall wilfully neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Square, Street, Close, or Lane, where the Pipes of the said Company hereafter shall be laid, with Water for the Use of his or her own Family, or any such Manufacturers, Dyers, Printers, Bleachers, Brewers, Innkeepers, Ale-house Keepers, Vintners, or other Persons requiring a Supply of Water, at the Rate aforesaid, for the Space of Ten Days next after Demand in Writing shall have been made by such Inhabitant or other Person to the said Company for such Supply of Water, and Tender made of the Amount of the Rate for One Year for such Supply, the said Company of Proprietors shall forfeit and pay to such Inhabitant or other Person Treble the Amount of the Rate or Rates so tendered, (in case the said Company of Proprietors at the Time of such Demand and Tender being made can grant such Supply of Water without lessening the Supply to the other Tenants of the said Company, but not otherwise,) to be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace acting for the said City of *Chester*, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and also the further Sum of One Pound for every Day the said Company of Proprietors shall continue to refuse or neglect to give such Supply, to be recovered as the before-mentioned Penalty is directed to be recovered. Penalty for not supplying Water to Inhabitants.

XLVI. Pro-



Limiting the  
Amount of  
Profits to be  
received by  
the Proprie-  
tors.

XLVI. Provided always, and be it further enacted, That the clear Profits to be received by the Members of the said Company from the said Undertaking shall never exceed in the whole the Sum of One thousand five hundred Pounds *per Annum*; and in order to ascertain the Amount of the clear Profits of the said Undertaking, the said Company shall and are hereby required, upon the First *Thursday* in the Month of *June* in every Year after the passing of this Act, or within Fourteen Days next after that Day, to cause a true and particular Account to be kept, and annually made up to the Thirty-first Day of the Month of *May* preceding, of the Money collected or received by them or for their Use during such Year, by virtue of this Act, and of the Expenditure by and Charges upon the said Company during the same Year, including the annual Interest of any Sum or Sums of Money which may have been borrowed under the Provisions of this Act, and any Sum or Sums which may have been paid in the Course of such Year in reduction of such Debt; and if the clear Profits of the said Undertaking, after deducting all such Expenditure and Charges, shall at any Time amount to a larger Sum of Money than shall be sufficient to make a Distribution of such Profits amongst the said Proprietors, to the Amount of One thousand five hundred Pounds *per Annum*, then and in such Case the Excess or Surplus which shall be more than sufficient for the Purposes aforesaid shall from Time to Time be placed out on such Government or other Security or Securities as the said Company shall for that Purpose order or direct, until such Excess or Surplus shall amount to the Sum of Five hundred Pounds; and any Interest or Dividends of such Sum or Sums so to be invested, shall be applied in like Manner as the Monies to be received by or for the Use of the said Company, by virtue of this Act, are to be paid and applied; and every such annual Account as aforesaid, together with an Account of all such Sums of Money as shall have been so placed out as aforesaid, and of the Dividends and Interest to be from Time to Time received thereon, shall be laid before some One or more Justice or Justices of the Peace acting for the said City of *Chester*, who shall not be a Proprietor of or interested in the said Undertaking, within Two Calendar Months next after the making up of such annual Account, to be made up to the Day aforesaid; which said Justice or Justices shall have Power and Authority, if he or they shall deem it necessary, to require the said Company to produce the Books of Account of the said Company, and all their Valuations and Surveys, Rates and Assessments, for the Satisfaction of the said Justice or Justices; and the said Company are accordingly required, upon a Requisition in Writing for that Purpose, signed by such Justice or Justices, to produce such Books, Valuations, Surveys, Rates, and Assessments, at such Time and Place as shall be mentioned in such Requisition; and if, on the Inspection of any of the said Accounts, it shall appear that the Sum or Sums so directed to be placed out as aforesaid shall have amounted to the clear Sum of Five hundred Pounds, then and in every such Case the said Justice or Justices shall have full Power and Authority, and is and are hereby required, by Writing under his or their Hand or Hands, to order and direct the said Sum of Five hundred Pounds to be paid over to the said Company, to be by them applied for the general Purposes of the said Undertaking, in like Manner as other Monies to be received by them or for their Use, by virtue of this Act, are to be paid and applied; and the said Justice or Justices is and are hereby in every such



such Case also required in like Manner to direct the Amount of the said Rates by this Act granted to be reduced or abated, and the same shall accordingly be reduced or abated for the next ensuing Year to such Sum as shall, with the said Sum of Five hundred Pounds, appear sufficient to pay to the Members of the said Company a clear surplus Profit of One thousand five hundred Pounds, after deducting all the Costs, Charges, and Expences of carrying on and managing the said Undertaking; and at the next annual Inspection or Examination of the said Accounts, such Justice or Justices shall in like Manner again order and direct the said Rates to be raised or increased to such Sum as shall appear sufficient to pay to the Members of the said Company a clear surplus Profit of One thousand five hundred Pounds, after deducting all the Costs, Charges, and Expences of carrying on and managing the said Undertaking during the next ensuing Year, and also to pay and make good any Deficiency which during the preceding Year shall have arisen or been occasioned by the clear Profits of the said Undertaking falling short of paying to the Members of the said Company One thousand five hundred Pounds, after deducting such Costs, Charges, and Expences as aforesaid; and if it shall afterwards appear upon such annual Accounts, that the clear Profits of the said Undertaking, according to the Rates so fixed, shall not be sufficient to pay or produce to the said Proprietors the said Sum of One thousand five hundred Pounds *per Annum*, then the said Justice or Justices shall and is or are hereby authorized and required, so often as the same shall happen, to order the said Rates to be raised or increased at the Discretion of such Justice or Justices, so as to yield and produce to the said Proprietors thereafter the clear Sum of One thousand five hundred Pounds *per Annum*, and also to make good any Deficiency in the Profits of the preceding Year; but nevertheless such increased Rates shall not in any Event exceed the Rates by this Act granted, or any of them.

XLVII. Provided always, and be it further enacted, That the said Company of Proprietors shall and they are hereby required, upon Application being made to them for that Purpose, to furnish and supply all the public Charities within the City and Liberties of *Chester*, with a sufficient Quantity of Water *gratis*.

Public Charities to be supplied with Water gratis.

XLVIII. Provided always, and be it further enacted, That the Soil, Gravel, Pitchings, and Pavements of any Streets, Highways, Roads, Footpaths, Lanes, and Passages, within the present or any future Jurisdiction of the Commissioners acting under and by virtue of Two Acts, one passed in the Second Year of the Reign of His late Majesty King George the Third, intituled *An Act for better regulating the Poor, maintaining a nightly Watch, lighting, paving, and cleansing the Streets, Rows, and Passages, providing Fire Engines and Firemen, and regulating the Hackney Coachmen, Chairmen, Carmen, and Porters, within the City of Chester*; and the other passed in the Forty-third Year of the Reign of His said late Majesty King George the Third, intituled *An Act to amend, alter, and enlarge the Powers of an Act passed in the Second Year of the Reign of His present Majesty, so far as the same relates to maintaining a nightly Watch, and lighting and cleansing the Streets, Rows, and Passages within the City of*

Pipes in the Streets, and under the Pavements, to be laid under the Direction of the Surveyor.

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Chester,



*Chester, and for preventing Nuisances and Annoyances in the Streets, Rows, and Passages within the said City, and for regulating and improving the Police thereof*; shall not be broken up but under the Inspection of the Surveyors of the said Commissioners for executing the said Two last-mentioned Acts for the Time being; and all Repairs to the Pipes or Works within such Jurisdiction shall also be done under the Inspection of such Surveyors; and whenever any other Highways shall be broken up for the Purposes of this Act, the same shall be done and afterwards made good under the Inspection of the Surveyor of the District within which such Highways shall be situate, and the Mode of doing and making good the same respectively shall be completed to the entire Satisfaction of such Surveyors respectively.

For regulating the Construction of Steam Engines.

XLIX. Provided always, and be it further enacted, That every Steam Engine which may be set up or erected by the said Company of Proprietors, under or by virtue of the Powers of this Act, shall be constructed on the most approved Principle for consuming or condensing its own Smoke, and the said Company shall and are hereby required from Time to Time to use and adopt such Construction accordingly.

For compelling the Company to repair or rebuild Bridges damaged by laying down Pipes, &c.

L. Provided also, and be it further enacted, That the said Company shall and they are hereby required, from Time to Time, to pay and make good any Damages which may be done to the several Bridges within the said City of *Chester*, over and across the *Ellesmere* and *Chèster* Canal, or any of them, or to the Pavements thereon, by laying down the Pipes, or by or in consequence of the Execution of any other of the Works, Matters, or Things authorized or directed by this Act; and also to rebuild or reinstate all or any of such Bridges as may fall or become insecure, in consequence of the Crown of the Arch thereof being injured by the laying down or repairing of such Pipes, or otherwise in consequence of the Execution of any of the said Works.

Non-attendance of Surveyor of Commissioners not to retard the Works.

LI. Provided always, and be it further enacted, That in case any such Surveyor for the Time being shall refuse or neglect to attend or inspect any of the Works hereby directed to be done under his Inspection, after being thereunto required by Notice in Writing from the said Company or their Clerk, given to or left at the last or usual Place of Abode of the said Surveyor, then the said Company are hereby fully authorized to do and perform such Works without the Inspection of such Surveyor; any thing herein contained to the contrary thereof in anywise notwithstanding.

Penalty on Persons injuring Pipes, or obstructing the Execution of this Act;

LII. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company of Proprietors, or their Managers, Agents, Servants, or Workmen, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities in this Act authorized or contained; or if any Person shall wilfully or maliciously let off or discharge any Water, so that the same shall run waste and useless, out of or from any of the Cisterns, Reservoirs, or Wells, Pipes, or Aqueducts hereby authorized to be made, or shall wilfully or maliciously



maliciously break, throw down, injure, damage, or destroy any Wells, Cisterns, Reservoirs, Aqueducts, Pipes, Drains, Plugs, Cocks, Works, Matters, or Things belonging to the said Company, made or to be made and provided in pursuance of this Act, for the Purpose of carrying into Execution the Powers herein contained; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

LIII. And be it further enacted, That if any Person or Persons supplied with Water by virtue of this Act shall wilfully permit any other Person or Persons, not having the Authority or Consent of the said Company, to take any Water at the Pipes or Reservoirs of the said Company, or shall supply any other Person or Persons with any Water from such Pipes or Reservoirs, or shall, by negligently suffering his, her, or their Pipes or Aqueducts, or the Cocks belonging thereto, to be out of Repair, occasion the Water thereby supplied to run waste and useless, then and in every such Case every Person so offending as aforesaid shall forfeit and pay to the said Company for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered, over and above the full Amount of the Damage sustained by the said Company by the Acts or Means in respect of which such respective Penalties shall be incurred; and the said Company shall be at liberty to cut off the Supply of Water from every Person so offending, from the Reservoirs, Cisterns, and Pipes of the said Company.

and on Persons supplied with Water, supplying others.

LIV. Provided always, and be it further 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 any 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 virtue of this Act shall happen to be out of repair; such Pipe or Pipes, Cock or Cocks, nevertheless, to be repaired as soon as may be after any Damage shall happen thereto.

Persons permitted to supply Water except in certain Cases.

LV. And be it further enacted, That the said Company shall and they are hereby required, upon the laying down any Main Pipe in any Street, Passage, or Place for supplying the same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, one or more proper and sufficient Fire Plug or Fire Plugs in each such Street, Passage, or Place, for the Supply of Water for the extinguishing of Fires, and for watering the Streets; and when and so soon as any such Fire Plug shall be finished, the said Company shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each Place within the said City of *Chester* where any Engine shall be kept for the extinguishing of Fires; and it shall not be lawful for the said Company to make any Rate or Charge whatever for any Water furnished or supplied for the Extinguishment of Fires, or for the watering of the Streets, but the same shall from Time to Time be furnished and supplied by the said Company *gratis*.

Requiring the Company to make Fire Plugs in every Street.

LVI. And



For enabling  
Company to  
enter Pre-  
mises to see  
that there is  
no Waste of  
Water.

LVI. And be it further enacted, That it shall be lawful for the Engineer, or any other Person or Persons acting by or under the Authority of the said Company of Proprietors, or of their Committee, at all reasonable 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 virtue of this Act, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Company of Proprietors; and if such Engineer or other Person acting by or under the Authority of the said Company of Proprietors, or their Committee of Management, 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 or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for the said Company of Proprietors to cut and turn off the Water supplied by the said Company of Proprietors from such House, Building, or other Premises.

Cisterns,  
Stopcocks,  
and Balls to  
be provided.

LVII. And in order to prevent as much as possible the wilful and negligent Waste of Water, be it further enacted, That each and every Person supplied with Water by virtue of this Act shall, 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 deemed sufficient for his, her, or their Consumption; and he, she, and they is and are hereby required to provide a Valve or Ball and Stopcock, and to fix or cause to be fixed the same to the Pipe conducting the Water from the Main or Service Pipes belonging to the said Company of Proprietors to such Cistern or Cisterns, and at all Times afterwards shall keep the same in good Repair and Condition, 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 virtue of this Act shall neglect or refuse to provide such Cistern or Cisterns, and also a Ball or Valve and Stopcock, and to affix or cause to be affixed the same in manner aforesaid, for the Purpose of preventing the Water from running to waste when such Cistern or Cisterns shall be filled as aforesaid, it shall be lawful for the said Company of Proprietors or of their Committee, or any Person or Persons acting by virtue of or under the Authority of the said Company of Proprietors, to cut off the Pipe and turn off the Water, by such Ways and Means as to him or them shall seem right and proper, from the House, Building, or other Premises of every such Person, and to continue the Pipe so cut off, and turn off the Water, until such Cistern or Cisterns and Ball and Stopcock shall be provided, and such Ball and Stopcock added in manner aforesaid.

Powers  
vested in the  
Company  
shall not be  
alienable.

LVIII. And be it further enacted, That it shall not be lawful for the said Company at any Time hereafter to sell or dispose of any of the Rights, Privileges, Powers, or Authorities vested in them by this Act, for supplying the said City of *Chester* with Water, to any other Water Company now existing, or which may hereafter be established for the supplying



plying of Water to any Body or Bodies Politic or Corporate, or to any Person or Persons whomsoever.

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

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

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

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company, or their Treasurer.

LXI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by this Act is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon

Justices may proceed by Summons in the Recovery of Penalties.



mon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Time limited  
for Comple-  
tion of the  
Works.

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

Recovery  
and Applica-  
tion of Penal-  
ties, &c.

LXIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offender or Offenders is not particularly mentioned or directed, and which shall be inflicted or imposed by any Rule, Order, Regulation, or Bye Law to be made under the Authority of this Act, shall, in case of Nonpayment thereof, be adjudged by and be recovered before any Justice of the Peace for the said City of *Chester*, in a summary Way; and such Justice of the Peace is hereby authorized and empowered to convict the Offender or Offenders upon Information, by the Oath of any credible Person or Persons, or on the Confession of the Party offending, (which Oath such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, or of the Goods and Chattels of the said Company, if they shall offend and be convicted as aforesaid of any Offence in this Act mentioned, by Warrant under the Hand and Seal of such Justice; and one Moiety of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges for such Distress and Sale being first deducted), shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction by the Person or Persons offending and convicted, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had



had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction or Common Gaol for the said City, there to remain for any Time not exceeding Three Calendar Months.

LXIV. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Officers acting under the said Company; be it therefore enacted, That it shall be lawful for any Officer acting under the said Company, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before any Justice of the Peace of the said City, without any other Warrant or Authority than this Act for so doing.

Transient  
Offenders  
may be ap-  
prehended.

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

Form of  
Conviction.

City of Chester, } **BE** it remembered, That on the \_\_\_\_\_ Day  
to wit: } of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_  
\_\_\_\_\_ is convicted before me, One of His Majesty's Justices of the  
Peace for the said City of *Chester*, by virtue of an Act passed in the  
Seventh Year of the Reign of King George the Fourth, intituled *An Act*  
[*here insert the Title of this Act,*] of having [*here specify the Offence or*  
*Omission, and the Time and Place when and where committed, as the Case*  
*may be*] contrary to the said Act; for which Offence I do adjudge the  
said \_\_\_\_\_ to have forfeited the Sum of \_\_\_\_\_  
Given under my Hand and Seal the Day and Year first above written.'

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

Proceedings  
not to be  
quashed for  
Want of  
Form.

LXVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity that shall be afterwards done by the Party or Parties

Distresses  
not unlawful  
for Want of  
Form.



Parties distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Appeal may  
be made to  
the Quarter  
Sessions.

LXVIII. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rule, Order, Regulation, or Bye Law to be made under or by virtue or in pursuance of this Act, or any Order or Judgment made or given in pursuance of any such Rule, Order, Regulation, or Bye Law of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said City of *Chester*, the Person or Persons appealing having first given at least Ten Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk or Superintendant of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said City, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear, examine, and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said City, and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Order, Regulation, Bye Law, or Determination, and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Plaintiff not  
to recover  
unless Notice  
of Action has  
been given, or  
after Tender  
of Amends.

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

LXX. And



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

LXXI. And be it further enacted, That no Order, Rate, or Assessment, Judgment, or other Proceeding made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Writ of No Proceed-  
ings to be  
removed by  
Certiorari. Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

LXXII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices, Writ or Writs, or other legal Proceedings, or Proceedings in Equity, upon the said Company, the Service thereof upon the Clerk of the said Company, or left at the Office of such Clerk, or 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 known, then Service upon any Member of the said Committee, or any Agent or 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. Notices  
served on the  
Clerk of the  
Company to  
be deemed  
good.

LXXIII. And be it further enacted, That all the Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, shall be paid and discharged by the said Company out of the Monies already subscribed or to be subscribed by virtue of this Act. Expences of  
the Act, how  
to be paid.



Public Act,

LXXIV. 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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