



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. xlix.

An Act for better supplying with Water the several Hamlets of *Beard*, *Ollerset*, *Thornset*, and *Whittle*, in the Parish of *Glossop* in the County of *Derby*.
[22d April 1831.]

WHEREAS the Inhabitants of the several Hamlets of *Beard*, *Ollerset*, *Thornset*, and *Whittle*, in the Parish of *Glossop* in the County of *Derby*, are not at present well or conveniently supplied with Water for domestic and other Purposes, and are thereby put to great Inconvenience; and the said several Hamlets have of late Years become very populous, and are increasing in Population, and in Houses and other Buildings, and the Property of the said Inhabitants is liable to great Loss in cases of Accident by Fire, which Inconvenience and Loss might be prevented or much lessened, and the Lives of the said Inhabitants would be better protected, if a full and constant Supply of Water were obtained: And whereas *George William Newton* of *Ollerset* aforesaid, Esquire, is or claims to be the Owner of certain Lands called *Ollerset Moor*, and certain Estates called *Ravens-Leach*, *Gib-Hey*, *Diglands*, and *Ollerset-Hall* in *Ollerset* aforesaid, and of certain other Lands in *Beard* aforesaid called *Lane-Side* and *Hills*, in which or some of which are situated powerful and constant Springs of Water; and he is thereby enabled and is willing, at his own Expence, to undertake to supply the Inhabitants of the said several Hamlets with Water; but the same cannot be carried fully and completely into execution without the

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Power for
Mr. Newton
to collect
Water in his
own Lands,
and to raise
and convey
it from the
Reservoirs to
Beard, &c.

Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *George William Newton*, his Heirs or Assigns, and his and their Agents, Officers, Servants, Workmen, and Assistants, and he and they is and are hereby empowered, from Time to Time to search for, collect, divert, and raise all the Springs of Water arising within the said several Estates and Lands belonging to the said *George William Newton*, and also in other the Lands and Grounds of him the said *George William Newton*, his Heirs or Assigns, into any Reservoir or Reservoirs already or hereafter to be made for that Purpose, to be called "The *Ollerset* Waterworks;" and also from Time to Time to raise and convey Water from and out of the said Reservoirs, and distribute the same in Pipes or otherwise through and into the said several Hamlets of *Beard*, *Ollerset*, *Thornset*, and *Whittle* aforesaid, and to the Houses, Factories, and other Buildings and Premises of the Inhabitants thereof, who shall agree with the said *George William Newton*, his Heirs or Assigns, to be supplied with such Water; and also to enter into and upon, and bore, cut, dig, and sink Trenches, and lay Pipes, Cocks, Plugs, Branches, and other Apparatus in and from and to use and break up all Highways, Roads, Streets, Lanes, Passages, and Places within the said several Hamlets which shall be found necessary for laying and constructing, and from Time to Time opening, scouring, cleansing, repairing, and maintaining, such Pipes, Works, and Conveniences as aforesaid; and to get and use or remove any Earth, Stones, Rubbish, Trees, Gravel, Sand, or any other Matters and Things which may be found necessary in constructing, laying, using, altering, or repairing the same; and from Time to Time, for all or any of the Purposes and under the Provisions of this Act, to make, erect, and maintain any Steam Engines, Water Wheels, Pumps, and any other Apparatus, Cisterns, Ponds, Basins, Main and other Pipes, Branches of Lead and other Metal, Cocks, Valves, Plugs, Feeders, Drains, Sluices, Works, and Devices; and do and provide all such other Matters and Things as he the said *George William Newton*, his Heirs or Assigns, shall judge necessary, for effectually completing, amending, altering, improving, and using the Works and Conveniences authorized by this Act to be done, in the most beneficial Manner, and for raising, conveying, and distributing a sufficient Supply of Water to the said several Hamlets, for the Use of the Inhabitants thereof; he the said *George William Newton*, his Heirs or Assigns, and his or their Agents, Servants, and Workmen, doing as little Damage as may be, and making Satisfaction in the Manner herein mentioned to all Persons interested, for any Damage which shall be by them sustained by reason of this Act; and this Act shall be sufficient to indemnify the said *George William Newton*, his Heirs or Assigns, and his and their Servants, Agents, and Workmen, and other Persons whomsoever, for what they or any of them shall do by virtue hereof.

Works may
be carried
through the

II. And be it further enacted, That it shall be lawful for the said *George William Newton*, his Heirs or Assigns, from Time to Time

to do and perform all and every the said Works, Matters, and Things, and to execute all or any of the Powers by this Act granted, in, over, upon, or through all or any of the Lands and Premises described in the Schedule hereunto annexed, and to enter thereupon, and stake out the same, at his and their Pleasure, making reasonable Satisfaction to the Owners thereof and Persons interested therein for the Damage they shall sustain thereby, in manner herein provided.

Lands mentioned in the Schedule.

III. And whereas a Map or Plan describing the intended Situation of the said Reservoirs, and the Line of the Pipes through which the Water will flow to and from the same, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of the Lands respectively through which the said Pipes are intended to be carried, have been deposited at the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy; and all Persons interested therein shall at reasonable Times have Liberty to inspect the same, and take a Copy thereof, or such Part thereof as Persons shall require, on paying to the said Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies; and the said *George William Newton*, his Heirs or Assigns, shall not in laying the said Pipes deviate more than One hundred Yards from the Line of the said Pipes so described in the said Plan.

Plan, &c. deposited with the Clerk of the Peace to be open to Inspection, and not to be deviated from.

IV. Provided always, and be it further enacted, That if any of the Lands or Grounds intended to be taken or used for the Purposes of this Act shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands or Grounds described in the said Map or Plan or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Map or Plan and Book of Reference, or either of them, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act, but the Lands or Grounds and every Part thereof shall or may be taken and used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted, or were properly or accurately described therein, in case it shall appear to any Two or more Justices of the Peace of the said County of *Derby*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Lands or Grounds had Notice that the same would be wanted for the Purposes of this Act.

Errors in Plan, &c. not to prevent Completion of the Works.

V. And whereas by reason of taking down Houses and Buildings, and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for the Land Tax in the several Hamlets through which the said Reservoir or Reservoirs, Trenches, Pipes, or other Works will pass and be situate; be it therefore enacted, That for preventing the same the said *George William Newton*,

For supplying Deficiencies in the Land Tax.

Newton, his Heirs or Assigns, shall, from and after the said *George William Newton*, his Heirs or Assigns, shall become seised or possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Tax, (unless the said *George William Newton*, his Heirs or Assigns, shall redeem the same,) be subject and liable to pay to or in aid of the said Hamlets, out of the Monies to arise by virtue of this Act, all such Money as shall be deficient in the said Assessments for Land Tax within the said Hamlets by reason of taking down or using, for the Purposes of this Act, any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the said *George William Newton*, his Heirs or Assigns, is and are hereby required to pay all such Assessments, on Demand, to the Collector or Collectors of the Land Tax Assessments accordingly.

Houses, &c.
not to be
injured, or
Land taken,
without Con-
sent.

Works to be
executed in
Three Years.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize the said *George William Newton*, his Heirs or Assigns, to enter, take, or damage, in the Exercise of any of the Powers herein contained, any House or other Buildings, or to enter into and use any private inclosed Land (other than the Lands and Hereditaments described in the said Schedule hereunto annexed), without the Consent of the Owner thereof for the Time being first had in Writing for that Purpose: Provided also, that if the said *George William Newton*, his Heirs or Assigns, shall not, within the Period of Three Years from the passing of this Act, lay the said Pipes, or so much thereof as he or they shall deem necessary, in all such Lands and Premises as are not or may not be his or their own Right and Property, then and from thenceforth the Powers which are hereby granted to him and them for that Purpose shall be utterly void (except with the Consent of the Owners and Occupiers of the Premises to be affected thereby respectively).

Incapacitated
Persons and
other Persons
may sell and
convey Land.

VII. And be it further enacted, Thall it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and any other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated; and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be wanted or required for the Purposes of this Act, to sell and convey the same to the said *George William Newton*, his Heirs or Assigns, for such gross Sums as may be agreed upon between the Parties respectively; and all such Conveyances shall be made according to the following Form, or

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

VIII. And be it further enacted, That in case the said *George William Newton*, his Heirs or Assigns, and the several Parties interested in any such Lands, Tenements, and Hereditaments, or any of them, cannot or do not agree as to the Amount or Value of such Satisfaction and Damages, the same shall be ascertained and settled by the Verdict of a Jury, as herein-after is directed.

In case of Disagreement as to Value, a Jury to decide.

IX. And for settling all Differences which may arise between the said *George William Newton*, his Heirs or Assigns, and the several Owners of or Persons interested in any Lands, Tenements, or other Hereditaments which shall or may be taken, used, damaged, affected, or prejudiced in pursuance and by the Execution of any of the Powers hereby granted, be it further enacted, That if any such Owner or Person interested shall refuse to accept such Purchase Money or other Compensation as shall be offered them by the said *George William Newton*, his Heirs or Assigns, or his or their Agent, or if any such Owners or Persons interested shall neglect or refuse to treat or shall not agree with the said *George William Newton*, his Heirs or Assigns, or his or their Agent, for the Sale and Conveyance of their respective Estates and Interests therein, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of treating, or making such Sale and Conveyance or Agreement as shall be sufficient for enabling the said *George William Newton*, his Heirs or Assigns, effectually to construct and maintain all the said Works, or shall not produce or evince a clear Title to the Premises in question, or to the Interest they shall claim therein,

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

to the Satisfaction of the said *George William Newton*, his Heirs or Assigns, then and in every such Case the said *George William Newton*, his Heirs or Assigns, shall and he and they is and are hereby empowered and required from Time to Time to issue a Warrant, under his or their Hand and Seal or Hands and Seals, to the Sheriff of the said County of *Derby*, commanding such Sheriff to impanel, summon, and return (and the said Sheriff is hereby accordingly authorized and required to impanel, summon, and return) not less than Twenty-four or more than Forty-eight indifferent Persons, qualified to serve on Special Juries; and the Persons so to be impanelled, summoned, and returned are hereby required to appear before the Justices of the Peace for the said County of *Derby* at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County, as in such Warrant shall be directed, and to attend such General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the said County, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or of others that can be speedily procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon and call before the said Justices all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in Controversy; and such Jury shall upon their Oaths enquire of, assess, and ascertain and give a Verdict separately for the Money to be paid for such Lands, Tenements, and Hereditaments, and for the Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been so sustained, or for the future temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said *George William Newton*, his Heirs or Assigns, and which can or will be no further obviated, repaired, or remedied by him or them; and the said Justices shall accordingly give Judgment for such Purchase Money, Recompence or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons whomsoever: Provided always, that not less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said *George William Newton*, his Heirs or Assigns, to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent

or head Officer of any Body Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.

X. And be it further enacted, That all Judgments and Verdicts which the said Juries shall respectively make and give in the Execution of the Powers hereby vested in them shall set forth and distinguish the Value set upon the Lands, Tenements, and Hereditaments, and the Money assessed for Damages, separately and apart from each other.

Value of Lands and Damages to be ascertained separately.

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

Compensation Money to be apportioned.

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

Verdicts of Juries to be recorded.

XIII. And be it further enacted, That if such Sheriff or his Deputy, or any other Person authorized to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or (being of the Society of Persons called *Quakers*) to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person to be summoned to give Evidence shall not appear, on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in such Case every such Person so offending shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall have been deducted.

Penalty on Sheriffs, Jurors, or Witnesses making Default.

XIV. And

Liabilities of
Juries.

Persons giv-
ing false
Evidence.

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

Persons re-
questing
Juries, to
enter into a
Bond to pro-
secute their
complaint,
and pay
Expences.

XV. And be it further enacted, That all and every Person and Persons who shall refuse to accept such Purchase Money or Compensation as shall have been offered them by the said *George William Newton*, his Heirs or Assigns, and shall request that the Matter in dispute shall be referred to the Determination of a Jury, shall, before the said *George William Newton*, his Heirs or Assigns, shall be obliged to issue out his or their Warrant or Warrants for the summoning of such Jury, first enter in a Bond to the said *George William Newton*, his Heirs or Assigns, in a Penalty of One hundred Pounds, to prosecute such Dispute, and to bear and pay the Costs of summoning such Jury, and of taking such Verdict, and the Expences of Witnesses, and all other Charges and Expences which shall fall upon him, her, or them to be paid.

By whom
Expences of
Juries shall
be paid.

XVI. And be it further enacted, That in every Case where a Verdicts hall be given by any such Jury for the same or more Money than shall have been previously offered for or on behalf of the said *George William Newton*, his Heirs or Assigns, 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 of Judgment thereon, shall be borne by the said *George William Newton*, his Heirs or Assigns; and in case such Costs and Expences shall not be paid by him or them, to the Party or Person entitled to receive the same, within Ten Days after Demand made thereof, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the aid *George William Newton*, his Heirs or Assigns, under a Warrant to be issued for that Purpose by any Justice of the Peace acting for any County where such Goods or Chattels may be, which Warrant every such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him 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 less Money than shall have been previously offered by or on behalf of the said *George William Newton*, his Heirs or Assigns, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said *George William Newton*, his Heirs or Assigns; but in Cases where any Person or Persons,
Party

Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said *George William Newton*, his Heirs or Assigns, the Costs and Charges so incurred shall be borne by the said *George William Newton*, his Heirs or Assigns, in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Derby* 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 any Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said *George William Newton*, his Heirs or Assigns, the Amount thereof, if first paid by the said *George William Newton*, his Heirs or Assigns, may be deducted by him and 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 *George William Newton*, his Heirs or Assigns, 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.

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

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

XVIII. And be it further enacted, That upon Payment or Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries, in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Compensation for Damages, as herein-before mentioned, to the Person or Persons who shall be respectively interested therein, or entitled to receive such Money or Compensation respectively, within Thirty Days after the same shall have been so agreed for, determined, or awarded; or if the Person or Persons so interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse

Lands to become vested upon Payment or Tender of Purchase Money.

[*Local.*]

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to execute a Conveyance or Conveyances of the Premises which the Case may require, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of such Person or Persons so interested as aforesaid, then and thereupon the Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance in actual Possession thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all and every Person or Persons therein, shall from thenceforth be vested in and become the sole Right and Property of the said *George William Newton*, his Heirs or Assigns, to and for the Purposes of this Act for ever; and such Payment, Tender, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, or Investment as aforesaid, it shall not be lawful for the said *George William Newton*, his Heirs or Assigns, to dig or cut into any such Lands or Grounds for making Reservoirs without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Mortgagees
to convey.

XIX. And be it further enacted, That all Persons who have any Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, (not being in Possession thereof by virtue of such Mortgages,) shall, on Tender of the Principal Money and Interest due thereon, together with Six Calendar Months Interest on the said Principal Money, by the said *George William Newton*, his Heirs or Assigns, immediately convey, assign, and transfer such Mortgages to the said *George William Newton*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint; or in case such Mortgagees shall have Notice in Writing from the said *George William Newton*, his Heirs or Assigns, that he or they will pay off the Principal Money and Interest which may be due on the said Mortgages at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, upon Tender or Payment of the Principal and Interest so due, such Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said *George William Newton*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint; and in case such Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage shall amount to more than the Value of the Premises taken and used, to be ascertained as directed by this Act, then the said *George William Newton*, his Heirs or Assigns, shall not be liable to pay the Mortgagee more than the Value so ascertained: Provided also, that in case any such Mortgagee shall neglect or refuse to convey and assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any

such Mortgages, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee, and of all and every Person and Persons in Trust for him, her, or them, or any of them, shall vest in the said *George William Newton*, his Heirs or Assigns, and he and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgages to all Intents and Purposes whatsoever: Provided also, that if any such Mortgages shall comprise other Lands, Tenements, or Hereditaments than those which shall be so taken by the said *George William Newton*, his Heirs or Assigns, each Mortgagee shall, upon Payment or Tender of the Sum so ascertained as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the said *George William Newton*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint; and in default of such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagees, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagees, and of all and every Person and Persons in Trust for them, in the said Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid as aforesaid, shall vest in the said *George William Newton*, his Heirs or Assigns, and he and they shall be deemed to be in the actual Possession of the said Premises; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees.

XX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as herein-before mentioned, such Money shall, in case the same shall amount to or exceed Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Proprietor of the *Ollerset Waterworks*," pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof,

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

1 G. 4. c. 35.

thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments settled therewith, to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200*l.*
and amount-
ing to or ex-
ceeding 20*l.*

XXI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said *George William Newton*, his Heirs or Assigns, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

When less
than 20*l.*

XXII. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than

than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said *George William Newton*, his Heirs or Assigns, shall think fit, or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

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

XXIV. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase by the said *George*

In case of disputed Titles, the Person in possession to be deemed lawfully entitled.

William Newton, his Heirs or Assigns, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made 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 Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by Mr. Newton.

XXV. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons entitled to any Lands, Tenements, or Hereditaments to be taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the said Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said *George William Newton*, his Heirs or Assigns.

Directing how Pipes shall be laid down.

XXVI. And be it further enacted, That none of the said Pipes shall be laid down at a less Depth than Two Feet and Six Inches beneath the Pavement in any Streets (except over Bridges and Vaults); and the said *George William Newton*, his Heirs and Assigns, shall be liable to the Payment of all Expences to be incurred by the breaking, taking up, relaying, reinstating, and making good all such Highways, Streets, and Places as shall be broken or taken up in pursuance of this Act; and if the said *George William Newton*, his Heirs or Assigns, shall neglect to repair, reinstate, and make good such Highways, Streets, and Places, with all convenient Speed, he and they shall for every such Offence forfeit and pay the Sum of Twenty Pounds, one Moiety whereof shall be paid to the Informer, and the other Moiety to the Poor of the Place where any such Neglect shall happen, to be recovered by Action of Debt or on the Case in any Court of Law: Provided nevertheless, that all Pipes and other Apparatus, Articles, Matters, or Things belonging to the said Waterworks shall be conveyed only under the Footpaths of Bridges, where it is necessary to pass over them, and within Brick or Stone Soughs set with Lime Mortar, and shall be covered with good and sufficient Flags to form Part of such Footpaths; and no Person liable to repair such Bridges shall be subject to make any Satisfaction by reason of any Injury or Inconvenience which may happen by the falling down, giving way, taking down, rebuilding, repairing, widening, amending, or improving such Bridges, or the Approaches to the same, or for or by reason of the Supply of Water being thereby interrupted, suspended, prevented, or in any Manner injured.

Materials, Property, &c. to be

XXVII. And be it further enacted, That all the Materials of which the aforesaid Reservoirs and Cisterns shall be constructed, as well

well as the Pipes, Cocks, Conduits, and other Utensils, Matters, and Things furnished and provided for the Purposes aforesaid by the said *George William Newton*, his Heirs or Assigns, at his or their Expence, and all the Profits, Benefit, and Advantages to arise from the said Concern, or under or by virtue of this Act, or the Powers herein contained respecting the same, shall be and are hereby to all Intents and Purposes vested in and shall be considered the Property and Inheritance of the said *George William Newton*, his Heirs or Assigns.

vested in
Mr. Newton.

XXVIII. Provided always, and be it further enacted, That whenever any Highway or Pavement shall be opened or taken up by the said *George William Newton*, his Heirs or Assigns, under the Powers of this Act, the Workmen employed shall do as little Damage as may be, and shall forthwith make good the Ground and carry away the Rubbish, and in the meantime fix Fences, and Lamps or Lights during the Night, at or near the Place or Places where the Ground shall be opened, so as to prevent Accidents to Passengers, Cattle, and Carriages: Provided also, that if there be any wilful or negligent Delay in filling up any Ground, or removing Rubbish, or making good such Ground, it shall and may be lawful to and for the Person under whose Care or Management such Roads shall be to fill up such Ground, and remove such Rubbish, and to make good such Ground, and properly to fence or guard any such Trench, and to place and maintain such Light or Lights as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said *George William Newton*, his Heirs or Assigns; and in default of Payment thereof for Thirty Days next after Demand shall be made by such Person, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace for the County of *Derby*,) all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said *George William Newton*, his Heirs or Assigns, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices (and which Warrant such Justice or Justices is and are hereby empowered to grant).

Workmen
laying Pipes
to make
good the
Pavement.

Provision in
case of De-
fault.

XXIX. And be it further enacted, That such of the Owners of Buildings within or Inhabitants of the said several Hamlets of *Beard*, *Ollerset*, *Whittle*, and *Thornset* aforesaid, as shall be desirous of having Water conveyed in Pipes into their Houses, Factories, Warehouses, Workshops, or other Buildings and Premises, are hereby authorized, at their own Expence, (having first given Six Days previous Notice in Writing to the said *George William Newton*, his Heirs or Assigns, of his, her, or their Intention so to do, and having first obtained the Consent of the Owners and Occupiers of any inclosed Lands in which such Pipes shall be laid,) to open the Ground between the Main Pipes or Aqueducts of the said *George William Newton*, his Heirs or Assigns, and the respective Houses, Factories, and other Buildings of such Owners or Inhabitants, and to lay any Leaden or other Pipes, the Bore thereof to be of the Dimensions of

Owners and
Inhabitants
of Houses,
&c. may lay
Pipes to
communicate
with those
belonging to
Mr. Newton.

of Three Quarters of an Inch, without the Consent of the said *George William Newton*, his Heirs or Assigns, or of a greater Bore with the Consent of the said *George William Newton*, his Heirs or Assigns, from such respective Houses, Buildings, or other Premises, to communicate with the said Main Pipes or Aqueducts; such respective Owners or Inhabitants paying to the said *George William Newton*, his Heirs or Assigns, the Rates herein-after mentioned; and in case of Default in Payment of any such Rates, it shall be lawful for the said *George William Newton*, his Heirs or Assigns, to cause the Pipes of the Persons making such Default to be separated from the said Main Pipes or Aqueducts, and to prevent the Water from issuing or running into the said Houses, Manufactories, Buildings, or other Premises: Provided always, that all Persons who shall have laid any such Pipes as aforesaid shall be deemed to have contracted for taking and using Water on the Terms and under the Restrictions herein mentioned, but shall be at liberty to remove the same, and the Cocks belonging thereto, after paying the Rates due, and doing no Injury to the Pipes or Aqueducts of the said *George William Newton*, his Heirs or Assigns.

Penalty for
not supply-
ing Water to
Inhabitants.

XXX. And be it further enacted, That in case the said *George William Newton*, his Heirs or Assigns, shall neglect or refuse to supply any of the Inhabitants of the said several Hamlets where the Pipes of the said *George William Newton*, his Heirs or Assigns, shall be laid, with Water for the Use of his or her own Family, at the Rate herein-after mentioned, for the Space of Five Days, (after Demand in Writing shall have been made by such Inhabitant to the said *George William Newton*, his Heirs or Assigns, for such Supply of Water, and Tender made to the said *George William Newton*, his Heirs or Assigns, of the Amount of the Rate for One Year for such Supply,) the said *George William Newton*, his Heirs or Assigns, shall forfeit to such Inhabitant Double the Amount of the Rate so tendered, and the Sum of One Pound for every Day which the said *George William Newton*, his Heirs or Assigns, shall continue to refuse such Supply, to be levied and recovered by virtue of a Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace acting for the said County of *Derby*, by Distress and Sale of the Goods and Chattels of the said *George William Newton*, his Heirs or Assigns.

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

XXXI. And be it further enacted, That the said *George William Newton*, his Heirs or Assigns, shall be obliged, subject as herein directed, to furnish a Supply of Water to every Inhabitant of the said several Hamlets of *Beard*, *Ollerset*, *Whitle*, and *Thornset*, where the Pipes of the said *George William Newton*, his Heirs or Assigns, shall be laid for conveying Water as aforesaid, for the Use of such Inhabitant's own Family, at the following Rates *per Annum*; that is to say, where the Rent or annual Value of the Dwelling House or Part of a Dwelling House of such Inhabitant shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings, and where such Rent or annual Value shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven

Seven Pounds; and where such Rent or 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 Rent or 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 Rent or 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 Rent or annual Value shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds: Provided nevertheless, that the said *George William Newton*, his Heirs or Assigns, shall not be entitled to receive from any such Inhabitant more than the Sum of Ten Pounds in any One Year for such Supply, nor shall the said *George William Newton*, his Heirs or Assigns, be obliged to furnish such Supply to any Inhabitant for a less Sum than Twelve Shillings in any One Year, unless he or they shall think fit so to do.

XXXII. Provided always, and be it further enacted, That in the Case of Spinners, Manufacturers, Dyers, Printers, Bleachers, Hatters, Innkeepers, Alehouse Keepers, Vintners, 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, or Persons requiring a Supply of Water for other Purposes than his, her, or their own Family's Consumption, such Supply shall be furnished by the said *George William Newton*, his Heirs or Assigns, in such Cases, at such Rate as shall be agreed upon by the said *George William Newton*, his Heirs or Assigns, and such Persons respectively.

Proviso in case of Supply of Water to Manufacturers, &c.

XXXIII. And be it further enacted, That where several Messuages, Cottages, Dwelling Houses, or Tenements, in the Occupation of several Persons, shall be supplied by One common Branch Pipe, to be laid to and introduced into the Pipes or Aqueducts of the said *George William Newton*, his Heirs or Assigns, the several Owners or Occupiers of such Messuages, Cottages, Dwelling Houses, or Tenements shall be respectively liable to pay for such Supply of Water at and after the same Rate and in the same Manner as he or they would be liable to pay if each of such several Messuages, Cottages, Dwelling Houses, or Tenements was separately supplied with Water by a distinct Branch Pipe from the Works of the said *George William Newton*, his Heirs or Assigns.

Where several Houses are supplied by One common Branch Pipe, each Occupier to be liable to the Rates.

XXXIV. And be it further enacted, That the Rents or Rates payable to the said *George William Newton*, his Heirs or Assigns, under and by virtue of this Act, shall be payable and become due in advance immediately upon the Commencement of the Period for which the Persons using the said Water may contract with the said *George William Newton*, his Heirs or Assigns; and in case of Default in the due Payment of any such Rents or Rates, it shall be lawful for the said *George William Newton*, his Heirs or Assigns, to recover the same by Distress and Sale of the Goods and Chattels of the Person or Persons liable thereto, wherever such Goods and Chattels may be found, in

Rents to be payable in advance.

[Local.]

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the same Manner in other respects as Rents in arrear upon common Demises may by Law be recovered and raised; or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record having competent Jurisdiction, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

For settling
Disputes as
to the
Amount of
Rent or
Rate.

XXXV. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rent or Rate due, or the Charges occasioned by any Distress, it shall be lawful for the Person distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Rent or Rate due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by One or more Justice or Justices of the Peace for the said County of *Derby*, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rent or Rate due; and it shall be lawful for such Justice or Justices to assess and award such Costs to be paid by either of the Parties to the other of them as he or they may think fit and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall and may be recovered and levied by such Ways and Means and in such Manner as the Rent or Rate and Charges hereby granted and imposed are hereby appointed to be recovered and levied.

For prevent-
ing undue
Waste of
Water.

XXXVI. And be it further enacted, That it shall be lawful for the Engineer or other Person or Persons acting by or under the Authority of the said *George William Newton*, his Heirs or Assigns, at all Times between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, upon giving Twenty-four Hours Notice in Writing of his or their Intention so to do, to enter into any House, Building, or other Premises supplied with Water by virtue of this Act, in order to examine if there be any Waste, Diversion, or improper Appropriation of the Water so supplied, or if the Pipes or Cocks for supplying such House, Buildings, or other Premises be in proper Repair; and if such Engineer or other Person shall at such Time or Times be refused Admittance into any such Dwelling House, Building, or Premises, for the Purposes aforesaid, or on being admitted shall be obstructed or prevented from making such Examination, then and in every such Case it shall be lawful for the said *George William Newton*, his Heirs or Assigns, to cut and turn off, or cause to be cut and turned off, the Water so supplied from such House, Building, or other Premises.

Cisterns and
Stopcocks to
be provided
if required,
by the said
*George Wil-
liam Newton*.

XXXVII. And be it further enacted, That every Person supplied with Water by virtue of this Act shall, upon having One Calendar Month's Notice in Writing from the said *George William Newton*, his Heirs or Assigns, for such Purposes, have a Cistern for receiving Water, and in such Cistern shall fix a Ballcock or other self-acting Cock to the Pipe conveying Water into such Cistern, and shall repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste when such Cistern shall be full; and every Person neglecting to fix and repair or renew such Ballcock or self-

self-acting Cock shall forfeit to the said *George William Newton*, his Heirs or Assigns, any Sum not exceeding Five Pounds for every Offence; and any Person authorized by the said *George William Newton*, his Heirs or Assigns, shall have free Access between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, upon giving Twenty-four Hours Notice of his or their Intention so to do, to view the Cistern and Premises to be supplied as aforesaid, to see that such Ballcocks or other self-acting Cocks are kept in proper and sufficient Repair.

XXXVIII. And be it further enacted, That if any Person shall suffer any of his, her, or their Pipes, Drains, or Aqueducts communicating with any of the Reservoirs, Pipes, or Aqueducts of the said *George William Newton*, his Heirs or Assigns, or the Cocks belonging thereto, to be out of Repair so as to let the Water run to waste or be useless, or shall neglect to repair the same within Twenty-four Hours after being required so to do by the said *George William Newton*, his Heirs or Assigns, or if any Person shall make Default in Payment of the Water Rent or Rate due from such Person, or in case it shall at any Time be found necessary for the Alteration or Amendment of the Pipes or Works of the said *George William Newton*, his Heirs or Assigns, it shall and may be lawful for the said *George William Newton*, his Heirs or Assigns, to cause any Pipes or Aqueducts communicating with any of the Reservoirs, Pipes, or Aqueducts of the said *George William Newton*, his Heirs or Assigns, to be separated therefrom, and the Water to be stopped from issuing or running into such Pipes or Aqueducts so to be separated: Provided always, that whenever the said *George William Newton*, his Heirs or Assigns, shall cause any such Pipes or Aqueducts to be separated and the Water to be stopped from issuing or running therefrom, by reason of any Alteration or Amendment of the Pipes or Works of the said *George William Newton*, his Heirs or Assigns, being necessary, the said *George William Newton*, his Heirs or Assigns, shall make such Alteration or Amendment, and at his own Expence restore the Communication of such Pipes or Aqueducts with the Pipes or Aqueducts of the said *George William Newton*, his Heirs or Assigns, and permit the Water to issue therefrom and run again into the same as soon as conveniently may be.

Power to cut off the Water in certain Cases.

XXXIX. 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 being so supplied to take any Water from the Pipes or Reservoirs of the said *George William Newton*, his Heirs or Assigns, or shall supply any such other Person or Persons with any Water from such Pipes or Reservoirs; or if any Person not paying for or having agreed to pay for a Supply of Water from the said Works shall take or use any of the Water supplied by means of the Works of the said *George William Newton*, his Heirs or Assigns; then and in every such Case the Person so offending shall forfeit and pay for every such Offence to the said *George William Newton*, his Heirs or Assigns, any Sum not exceeding Five Pounds, according to the Discretion of the Justice of the Peace before whom the same shall be recovered as herein-after provided.

Penalty on Persons supplied with Water supplying others, or using Water without Consent.

XL. Pro-

Exception as
to Water
used for ex-
tinguishing
Fires, &c.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall prevent, or be construed to extend to prevent, any of the Water supplied or collected under the Authority of this Act from being used to extinguish any Fire whatsoever that may have communicated to any Building, Rick, Stack, Waggon, Cart, or other Carriage, or any Matter or Thing therein contained, or shall be in Danger of so communicating; and no Person supplied with Water under any Agreement with the said *George William Newton*, his Heirs or Assigns, shall be liable to any Penalty for supplying any Person or Persons with Water for the Purposes last aforesaid.

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

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

Penalties for
hindering or
injuring the
Works, or
fouling the
Water.

XLII. And be it further enacted, That if any Person shall hinder or interrupt, or cause or procure to be hindered or interrupted, the said *George William Newton*, his Heirs or Assigns, or his or their Agents, Officers, Servants, or Workmen, or any of them, in doing or performing any of the Works or in the Exercise of any of the Powers and Authorities by this Act authorized; or if any Person shall let off or discharge any Water so that the same shall run waste and be useless to the said *George William Newton*, his Heirs or Assigns, or to any Person entitled thereto under any Agreement with the said *George William Newton*, his Heirs or Assigns, out of or from any of the Cisterns, Reservoirs, Wells, Pipes, or Aqueducts hereby authorized to be made, or shall break, throw down, injure, damage, or destroy any Wells, Cisterns, Reservoirs, Aqueducts, Pipes, Drains, Plugs, Cocks, Works, Matters, or Things belonging to or the Property of the said *George William Newton*, his Heirs or Assigns; or if any Person shall bathe in any of the Wells, Cisterns, or Reservoirs belonging to the said *George William Newton*, his Heirs or Assigns, or shall wade into, or wash, cast, put, or throw any live or dead Dog or Cat or other Animals, or any Filth, Dirt, or other noisome or offensive Matter or Thing, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain to run or be conveyed into, any of the said Wells, Cisterns, Reservoirs, Pipes, or Conduits, or otherwise wilfully foul or render noisome or impure, or cause or procure so to be, the Water running to or contained in any such Wells, Cisterns or Reservoirs, Pipes or Conduits; then and in every such Case the Person so offending shall forfeit and pay for every such Offence, to the said *George William Newton*, his Heirs or Assigns, any Sum not exceeding

Five

Five Pounds; according to the Discretion of the Justice of the Peace before whom the same shall be recovered as herein-after provided, besides the full Amount of the Damage sustained by the said *George William Newton*, his Heirs or Assigns, by the Acts or Means in respect of which such respective Penalties shall be incurred.

XLIII. Provided always, and be it further enacted; That if any Body Politic or Corporate, or any other Person whomsoever, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture or Process of making or procuring such Gas, within the said several Hamlets, into any Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Act or Thing to the Water contained in any such Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, or Springhead, Well, Drain, Sewer, or Ditch, then and in every such Case such Body Politic or Corporate, or such other Person, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and 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, Complaint, Suit or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparance, shall be allowed; and the whole thereof shall be paid to the Person annoyed, injured, or damaged by any such Proceeding as aforesaid, who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any Canal, or any Reservoir, Aqueduct, Feeder, Pond, Pool, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person to whom the same shall belong, or by any other Person whomsoever, to such Body Politic or Corporate, or Person, and such Body Politic or Corporate, or Person, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, emptied, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Body Politic or Corporate, or Person, shall forfeit and pay the Sum of Twenty Pounds for each and every Day during which such

Penalty on
Persons con-
veying Gas
Washings
into any
Canal, &c.

[Local.]

7 D

Washings,

Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to any Person annoyed, injured, or damaged by any such last-mentioned Act, who shall be the Informer, or to such other Person, as in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any Act so done or committed.

Provision for
stopping the
Escape of
Gas.

XLIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Body Politic or Corporate, or other Person, as aforesaid, such Body Politic or Corporate, or Person, shall, at their or his own Expence, immediately after receiving Notice in Writing from any Inhabitant of the said several Hamlets, or any other Person, of such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Body Politic or Corporate, or Person, shall not, within Twenty-four Hours after such Notice in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case such Body Politic or Corporate, or Person, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be paid to the Informer, or to the Person who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage thereby.

Gas Pipes
to be laid
Four Feet
from Water
Pipes, and in
a particular
Manner.

XLV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Highway, Road, Street, Lane, Passage, or Place within the said several Hamlets, shall be so laid at the greatest practicable Distance, and wherever the Width of the Carriageway in such Highway, Road, Street, Lane, Passage, or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Highways, Roads, Streets, Lanes, Passages, or Places within the said several Hamlets, unless in Cases where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall, if practicable, be laid at a Distance of at least Six Inches under or over such Water Pipes; and in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Pipes for the Conveyance of Gas shall be nearer to any Part of the said Water Pipes than Three Feet at least;

least ; and in laying down the said Pipes for the Conveyance of Gas, the Person to whom the same shall belong shall in no Case join Two or more Pipes for the Conveyance of Gas together, previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in all and every respect prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Five Pounds, which shall be paid to any Person annoyed or damaged by any such last-mentioned Act who shall be the Informer, or to any other Person who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed, and which shall be levied and recovered as any other Penalty is by this Act directed to be levied and recovered.

XLVI. And be it further enacted, That whenever the Water used for supplying the Inhabitants of the said several Hamlets shall be contaminated or affected by the Gas of any Body Politic or Corporate, or any Person, as aforesaid, such Body Politic or Corporate, or other Person as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, and the same shall be applied to and for the Use and Benefit of the Proprietor or Proprietors of such Water ; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case such Body Politic or Corporate, or other Person as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Proprietor or Proprietors for the Time being of such Water, to be left at the usual Office or Place of transacting the Business of such Body Politic or Corporate, or at the last or usual Place of Abode of such other Person as aforesaid, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water ; and in case such Body Politic or Corporate, or other Person as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof such Notice shall be given as aforesaid, then and in every such Case such Body Politic or Corporate, or other Person as aforesaid, shall, on every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the said Proprietor or Proprietors of the said Water, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Proprietor or Proprietors shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid ; and such Penalty and Penalties and Costs shall be paid to the said Proprietor or Proprietors.

To prevent
the Escape of
Gas, and
Contamina-
tion of
Water, &c.

XLVII. And

For ascer-
taining if the
Water is con-
taminated.

XLVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the said Gas ; be it therefore enacted, That in every such Case it shall be lawful for any Proprietor or Proprietors of Water-works to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of such Body Politic or Corporate, or other Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of such Body Politic or Corporate, or other Person as aforesaid ; and if it shall appear that the said Water has been contaminated by any Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus of such Body Politic or Corporate, or other Person as aforesaid, the Costs and Expences of the said digging, Search, Examination, and Repair of the Pavement of the Street which shall be taken up or disturbed, shall be borne and paid by such Body Politic or Corporate, or other Person as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act : Provided always, that if upon Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus of such Body Politic or Corporate, or other Person as aforesaid, then and in such Case the said Proprietor or Proprietors shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to such Body Politic or Corporate, or other Person as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of such Body Politic or Corporate, or other Person as aforesaid, in and by such Search or Examination, and also to the Pavement of the said Highway, Road, Street, Lane, Passage, or Place so broken or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice of the Peace as aforesaid.

Power to
raise Money
by Mortgage
of the Un-
dertaking.

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

Form of
Mortgage.

‘ BY virtue of an Act passed in the Year of the Reign
‘ of King *William* the Fourth, intituled [*here insert the Title*
‘ of this Act], I, *George William Newton* of *Aspinshaw* in the Parish
of

‘ of *Glossop* in the County of *Derby*, Esquire, the Proprietor of the
 ‘ said Undertaking established under the said Act, in consideration
 ‘ of the Sum of to me in hand paid by
 ‘ of in the County 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
 ‘ Waterworks and all the Works thereto belonging, and all and sin-
 ‘ gular the Sum and Sums of Money arising and payable to me for
 ‘ Water by virtue of the said Act, and all my Estate, Right, Title,
 ‘ and Interest of, in, and to the same, to hold unto the said
 ‘ Executors, Administrators, and Assigns, until the said
 ‘ Sum of with Interest for the same after
 ‘ the Rate of *per Centum per Annum*, shall be fully
 ‘ paid and satisfied. Given under my Hand and Seal this
 ‘ Day of One thousand eight hundred and .’

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

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

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

XLIX. And be it further enacted, That all the Costs, Charges, Expences of
 and Expences (together with lawful Interest for any Money to be this Act how
 advanced for the Purpose) attending the applying for, obtaining, and to be paid.
 [Local.] 7 E passing

passing this Act, shall be paid and discharged by the said *George William Newton*, his Heirs or Assigns, in preference to all other Payments whatsoever.

Justices may proceed by Summons for the Recovery of Penalties.

L. 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 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.

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

LI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice 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 by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Penalty on Persons not appearing or refusing to be examined as Witnesses.

LII. And be it further enacted, That if any Person shall be summoned by any Justice of the Peace, or by any other Person having due Authority, as a Witness to give Evidence touching any Matter or Thing relating to this Act, either on behalf of the Prosecution, or on behalf of the Person accused, (which Summons every such Justice is hereby authorized and required to issue on Application being made to him for that Purpose,) and such Person shall refuse or neglect to appear at the Time and Place to be appointed for that Purpose, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, without a sufficient Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined or to give Evidence touching the Matter in question, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered as any other Penalty or Forfeiture may by this Act be recovered.

Mode of Recovery of Fines and Forfeitures.

LIII. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way before One or more Justice or Justices of the Peace of the said County of *Derby*, and levied (as well as the Costs attending such Recovery) by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices,

Justices, who is and are hereby authorized to examine into and hear and determine in a summary Way all Complaints and Offences arising under this Act, according to the Provisions in that respect herein contained; and the Overplus (if any) of the Money so raised, after discharging the Penalty or Forfeiture, and the Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods or Chattels so seized; and it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be made to such Warrants of Distress (unless the Offender or Offenders shall give Security, to the Satisfaction of such Justice or Justices, for his or their Appearance before him or them on such Day as shall be appointed for the Return thereof, not being more than Seven Days from the taking of such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance); and if upon Return of such Warrant or Warrants, or if it shall appear to the Satisfaction of such Justice or Justices, 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, Costs, and Charges may be levied, such Justice or Justices shall not be required to issue such Warrant of Distress, but thereupon it shall be lawful for any such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction for the County of *Derby* for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, Costs, and Expences shall be sooner paid; and one Moiety of all such Penalties shall be paid to the Informer, and the other to the Overseers of the Poor of the Place wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor thereof.

LIV. And be it further enacted, That it shall be lawful for the said *George William Newton*, his Heirs or Assigns, or his or their Surveyor, Agent, or Servant, and such other Person or Persons as they or any of them shall call to their Assistance, without any other Warrant or Authority than this Act, to seize and detain any Person or Persons (being unknown to the said *George William Newton*, his Heirs or Assigns, or his or their Surveyors, Agents, or Servants,) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the said County of *Derby*, to be dealt with according to the Provisions of this Act. For securing transient Offenders.

LV. 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.

‘ County of Derby } BE it remembered, That, on the
 ‘ to wit. } Day of in the Year of our
 ‘ Lord is convicted before me
 ‘ one of His Majesty’s Justices of the Peace for the said County
 ‘ [here specify the Offence or Omission, and the Time and Place when
 ‘ and

and where committed, as the Case may be]. Given under my Hand and Seal the Day and Year first above written.'

Proceedings
not to be
quashed for
Want of
Form.

LVI. 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 Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Distress not
unlawful for
Want of
Form.

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

Appeal may
be made to
the Quarter
Sessions.

LVIII. And be it further enacted, That any Person or Persons whomsoever thinking himself, herself, or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be holden for the said County of *Derby*, the Person or Persons appealing having first given at least Twenty-one clear Days Notice of such Appeal, and of the particular Nature, Cause, and Matter thereof, to the Person or Persons whose Act is appealed against, and within Four Days after such Notice entering into a Recognizance before any One Justice of the Peace for the said County of *Derby*, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court of General or Quarter Sessions thereon; and the said Justices in Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint and Appeal at such General or Quarter Sessions of the Peace, and if they see Cause may mitigate any Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Order or Determination, and may also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, and may make such other Order in the Premises as they shall judge reasonable and proper; and all such Determinations of the said Justices in Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Plaintiff not
to recover
after Tender
of Amends.

LIX. 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-

Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause and the particular Nature 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 only shall be made and given by such Court as in other Actions where the Defendant is allowed to pay Money into Court

LX. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed ; and every such Action or Suit shall be brought and tried in the County 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 or their Election, plead specially or the General Issue, and give in Evidence this Act and the special Matter at any Trial, and that the same was done in pursuance and under the Authority of this Act ; and if it 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, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants have or hath in other Cases by Law.

Limitation of Actions.

LXI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve upon the said *George William Newton*, his Heirs or Assigns, any Notice or Notices, or any Summons, Writ, or Process, or other Proceedings in Law or Equity, relating to any thing under this Act, the Service thereof at the House or last known Place of Abode of the said *George William Newton*, his Heirs or Assigns, or upon any Officer or Agent of the said *George William Newton*, his Heirs or Assigns, or left at his or their House or last known Place of Abode, shall be deemed good and sufficient Service of the same respectively.

Directing how Notices, &c. may be served upon Mr. Newton.

LXII. 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.

Public Act.

[*Local.*]

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The

The SCHEDULE herein-before referred to.

No. on the Plan.	Owners or reputed Owners.	Occupiers.	Premises.
<i>In the Hamlet of Whittle, Parish of Glossop, and County of Derby.</i>			
1	Trustees of the Turnpike Road from the old Bridge in the Town of Stockport in the County Palatine of Chester to or near Marple Bridge in the said County, and of a Branch from the said Road near Marple Bridge aforesaid to or near Thornset Gate in the County of Derby.	The Public - - -	Turnpike Road from Stockport to Thornset Gate.
2	Richard Bennett - - -	The Public - - -	A Road.
3	John Barnes - - -	The Public - - -	A Road.
4	Richard Bennett and Robert Sidebottom - - -	The Public - - -	A Road.
5	Peter Warren - - -	The Public - - -	A Road.
7	John Stafford - - -	The Public - - -	A Road.
8 } 22 } 25 }	John Bridge and Richard Olliver, Surveyors of Whittle Highways - - -	The Public - - -	Three Roads.
9	Richard Bennett and Thaddeus Cresswell - - -	William Ward - - -	Brick Yard, Smithy, and Field.
10		Nathan Hulton - - -	A Garden.
11		Peter Warren - - -	A Garden.
12		Richard Bennett - - -	A Garden.
13		Joseph Heginbottom - - -	Two Gardens.
14		Joseph Wooley - - -	A Garden.
15	William Ward and Thaddeus Cresswell - - -	William Ward - - -	Two Fields, a Garden, a Stone Quarry, and an Occupation Road.
16	- - -	The Public - - -	A Foot Road.
17	Thaddeus Cresswell and the Executors of the late Ralph Bower, viz. Samuel Bower and Adam Brierley - - -	Ralph Bower - - -	Two Fields and a Plantation.
17a	Bernard John Wake - - -	Samuel Armstrong - - -	A Field.
18	- - -	The Public - - -	A Foot Road.
19	Stephen Pearson - - -	- - -	Building Land unoccupied.
20	Rebecca Wild, Administratrix of the late James Webb - - -	Herself - - -	A Bakehouse, Stable, and Garden.
21	Samuel Bower and Adam Brierley, the Executors of the late Ralph Bower - - -	Joseph Alsop - - -	A Cottage.
23	John Stafford and James Bradbury - - -	The Public - - -	A Road.
24	John Bridge and Richard Olliver, Surveyors of Whittle Highways - - -	The Public - - -	New Mills Bridge.

No. on the Plan.	Owners or reputed Owners.	Occupiers.	Premises.
<i>In the Hamlet of Thornset, Parish of Glossop, and County of Derby.</i>			
26	Trustees of the Turnpike Road from the old Bridge in the Town of Stockport in the County Palatine of Chester to or near Marple Bridge in the said County, and of a Branch from the said Road near Marple Bridge aforesaid to or near Thornset Gate in the County of Derby - - - }	The Public - - - {	Turnpike Road from Marple to Thornset Gate.
26a	Trustees of the Road from Chapel-en-le-Frith to or near Enterclough Bridge in the County of Derby - - - }	The Public - - - {	The Turnpike Road leading from the Village of Hayfield to Marple Bridge.
<i>In the Hamlet of Beard, Parish of Glossop, and County of Derby.</i>			
6	William Ward and William Pearson, the Trustees of the late Joseph Hague - - }	The Public - - -	A Road.
27 } 31 } 37 }	Robert Thatcher and John Miller, Surveyors of Beard Highways - - - }	The Public - - -	Three Roads
28	The Right Honourable George Augustus Henry Cavendish commonly called Lord George Cavendish - - - }	Robert Thatcher - - -	Two Fields.
29 } 30 }	The Reverend Thomas Gaskell - {	Robert Sidebottom - - Samuel Bowden - - -	A Field. Two Fields.
32	George William Newton Esquire -	Joseph Joule - - - {	Six Fields, Two Occupation Roads, and a Plantation.
33	William Pearson - - -	Himself - - - -	Two Fields.
34	George William Newton Esquire and William Pearson - - }	William Pearson, Joseph Joule, & Ralph Tomlinson - - - }	An Occupation Road.
35	George William Newton Esquire -	Ralph Tomlinson - - - {	Two Fields and an Occupation Road.
36	The Right Honourable George Augustus Henry Cavendish commonly called Lord George Cavendish - - - }	Hannah Hanford - - -	A Field.
38	George William Newton Esquire -	Himself - - - - {	A Field, Occupation Road, and Plantation.
39	George William Newton Esquire -	John Collier - - - -	A Garden.
<i>In the Hamlet of Ollerset, Parish of Glossop, and County of Derby.</i>			
24	George William Newton Esquire and John Hopwood, Surveyors of Ollerset Highways - - }	The Public - - -	New Mills Bridge.
39a	Randal Taylor and John Potts, Richard Olliver and William Wainwright Potts - - }	Themselves - - -	Occupation Road.
40 } 51 } 52 }	George William Newton Esquire and John Hopwood, Surveyors of Ollerset Highways - - }	The Public - - -	Three Roads.
41 } 42 } 43 } 44 } 45 }	Randal Taylor - - - }	Unoccupied - - - The Public - - - Robert Thatcher - - - James Entwisle - - - James Sidebottom - - -	A Quarry. A Bridle Road. Two Fields. A Field. A Field.

No. on the Plan.	Owners or reputed Owners.	Occupiers.	Premises.
46	Randal Taylor	Robert Thatcher and James Pearson	Occupation Road.
47	John Potts, Richard Olliver, and William Wainwright Potts	Themselves	A Field.
48	Randal Taylor	James Pearson	A Field.
49	John Bennet, John White, Moses Hatfield, Thomas Thorneley, John Nield, Tho- mas Harrison, and John Hall, the Trustees of Whitfield School	Joseph Joule	Two Fields.
50	Ollive Simms and George Jones, the Trustees of a Charity for supplying Education to the Poor of the Quakers of Che- shire	Thomas Dale	Two Fields.
53	George William Newton Esquire	Joseph Joule	A Field.
54		Himself	Two Fields and Five Plan- tations.
55		George Woolley	A Field.
56		Edward Bowden	Five Fields.
57		James Bowden	Three Fields.
58	The Right Honourable George Augustus Henry Cavendish commonly called Lord George Cavendish	Thomas Livesley	Five Fields.
59	George William Newton Esquire	Himself	Seven Fields.

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