



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. lii.

An Act for better supplying with Water the several Townships of *Hyde*, *Werneth*, and *Newton*, in the County Palatine of *Chester*. [22d April 1831.]

WHEREAS the Inhabitants of the several Townships of *Hyde*, *Werneth*, and *Newton*, in the County Palatine of *Chester*, are not at present well or conveniently supplied with Water, and the Population of the said Townships has of late Years considerably increased, and the Number of Houses and Buildings therein is now much increasing, and, for Want of a sufficient Supply of Water for domestic and other Purposes the Inhabitants of the said Townships are subject to much Inconvenience, being obliged to have Water conveyed to them in Carts, and are also liable to increased Danger in Cases of Accidents by Fire, which Inconvenience and Danger might be prevented, and the Lives and Property of the Inhabitants of the said several Townships better preserved and protected, if a constant Supply of Water were provided: And whereas there are several Rivulets and powerful Springs of Water arising and flowing in and through certain Lands and Grounds called the *Arnold Hill Estate*, situate in the Township of *Hyde* aforesaid, belonging to *Thomas Mottram* of *Hyde* aforesaid, Gentleman: And whereas a constant Supply of Water for the Use of the Inhabitants of the said Townships might be

[Local.] 8 A obtained

Power for
Mr. Mottram
to collect
Waters, and
complete the
Works autho-
rized by this
Act.

obtained from the aforesaid Rivulets and Springs, and from certain other Rivulets and Springs in the said Townships of *Hyde* and *Werneth*, by conducting the Water from such Rivulets and Springs into proper Reservoirs by means of Cuts, Drains, Tunnels, Conduits, Feeders, or other Aqueducts, and from thence by Pipes to the Houses and Premises of the said Inhabitants: And whereas the said *Thomas Mottram* is willing and desirous to undertake, at his own Costs and Charges, to construct, make, and provide all necessary Reservoirs for the Reception of such Water, and all necessary Cuts, Drains, Tunnels, Conduits, Feeders, and other Aqueducts for conveying such Water to such Reservoirs, and all necessary Main Pipes and Branch Pipes for conveying such Water from such Reservoirs for the Use of such Inhabitants; but the same cannot be carried fully and completely into execution without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said *Thomas Mottram*, his Heirs or Assigns, and he or they is and are hereby authorized and empowered, to make, construct, erect, and maintain any Reservoir or Reservoirs for Water, and to make and maintain any Cuts, Drains, Tunnels, Conduits, Feeders, and Aqueducts in or through the said Lands and Grounds called the *Arnold Hill Estate*, and also in or through the Fields or Lands or Grounds, and Roads mentioned in the Schedule to this Act annexed, and to take and use for the Purposes of this Act the Waters of any Springs or Rivulets flowing in, through, or by such Fields, Lands, Grounds, and Roads, or any of them, and to divert, turn, raise, and conduct the Waters of any such Springs or Rivulets, by means of such Cuts, Drains, Tunnels, Conduits, Feeders, and Aqueducts, into any Reservoir or Reservoirs already made or hereafter to be made for the Purpose of receiving the same and for supplying the Inhabitants of the said several Townships with Water; and also to make, erect, build, construct, and maintain any Embankments, Walls, and other Works necessary for completing and rendering effective and maintaining such Reservoirs and Aqueducts, upon the Lands and Grounds aforesaid, or any of them; and also to make, construct, erect, build, and maintain any Reservoirs, Cuts, Drains, Tunnels, Conduits, Feeders, and Aqueducts, and any Embankments, Walls, and such other Works as aforesaid, and to take and use any Springs and Streams of Water, on or in any Lands and Grounds within the said Townships, not mentioned in the said Schedule to this Act, with the Consent of the Owners or Proprietors of such last-mentioned Lands and Grounds, in order to raise, collect, and provide a sufficient Supply of Water for the Purposes of this Act; and also to erect, construct, make, and maintain any Steam Engines, Water Wheels, Pumps, and Waterworks on any of the Lands and Grounds aforesaid, and to lay and put down or place any Main Pipe and Branch Pipe in or through any of the Lands or Grounds aforesaid, and also in or through all or any of the Highways, Roads, Streets, Lanes, and other public Passages and Places within the said several Townships; and for executing the Purposes aforesaid, and also afterwards for inspecting or repairing the Works aforesaid, it shall be lawful for the said *Thomas Mottram*,

Mottram, his Heirs or Assigns, and his or their Agents, Servants, Workmen, and Assistants, from Time to Time to enter upon the Lands and Grounds aforesaid, and to mark and stake out such Part or Parts thereof as shall be necessary to be taken and used or to be dug and broken up for executing any of the Purposes of this Act, without being deemed a Trespasser or Trespassers; and also to take and use such Part and Parts of such Lands and Grounds as shall be wanted for effecting the Purposes of this Act, and to break up the Soil thereof, and to bore, cut, dig, trench, and sough the same Lands and Grounds, and to get, remove, place, lay, take, and carry away and use any Earth, Soil, Clay, Stones, Gravel, Sand, Trees, Roots of Trees, Rubbish, and other Matters and Things which may be dug and got in the Prosecution of any of the Works aforesaid, or afterwards in repairing or maintaining the same in repair; and to break up, open, and re-lay or remove the Soil or Pavement in any present or future Highway, Road, Street, Lane, and other public Passage or Place within the said Townships, or any of them, or any Sewers or Drains therein, for the Purpose of laying, putting down, or placing any Main Pipe or Branch Pipe or any Service Pipe, or for executing any of the Works by this Act authorized to be erected, made, done, or executed, or for inspecting, repairing, and maintaining the same after the same shall be laid, put down, placed, replaced, made, done, or executed, and from Time to Time to repair, alter, take up, reconstruct, renew, remove, or replace any of the Works, Matters, or Things aforesaid, as Occasion shall require; and also from Time to Time to make, construct, and erect, lay, place, affix, or provide, and to repair and maintain or alter or remove and renew, any Service Pipes, Cisterns, Ponds, Basins, Sluices, Branches, Valves, Plugs, Bores, Cocks, Stopcocks, Chamber-cocks, Firecocks, Fireplugs, Branches, Machines, Devices, Matters, and Things which shall be expedient or necessary for distributing and conveying such Water to the respective Houses, Factories, Warehouses, Workshops, Offices, and other the Buildings and Premises of the Inhabitants of the said several Townships of *Hyde*, *Werneth*, and *Newton*; and from Time to Time, as Occasion may require, to do all other Acts, Matters, and Things which shall be necessary or proper for completing, amending, repairing, and improving, and for using, the Works authorized by this Act to be done and provided, for the Purposes and according to the true Intent and Meaning of this Act, he the said *Thomas Mottram*, his Heirs or Assigns, or his or their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to him and them hereby granted, and making Satisfaction in the Manner herein-after mentioned to all Persons interested in any private Lands, Grounds, Tenements, and Hereditaments, for any Damage which shall be by them sustained by reason of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said *Thomas Mottram*, his Heirs or Assigns, and his or their Servants, Agents, and Workmen, and other Persons whomsoever, for what he, they, or any of them shall do by virtue of this Act, subject nevertheless to such Provisions or Restrictions as are herein-after contained; and the said *Thomas Mottram*, his Heirs or Assigns, shall and he or they is or are hereby required to lay out, expend, or pay such Sum or Sums of Money as shall be requisite for carrying into effect the said Undertaking.

II. And

Reservoirs,
&c. to be
made accor-
ding to Plan
deposited
with Clerk
of the
Parliaments.

II. And whereas a Map or Plan describing the Situation of the intended Reservoirs, and the Lines of the intended Aqueducts, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of the Lands respectively in which such Reservoirs and Aqueducts are intended to be made, hath been deposited in the Office of the Clerk of the Parliaments; be it therefore enacted, That the said *Thomas Mottram*, his Heirs or Assigns, shall not, in making any Aqueduct for conveying Water to any such Reservoir, deviate more than Thirty Yards from the Line described in the said Map or Plan, nor make any Reservoir in any other Situation than such as is described therein, without the Consent and Approbation in Writing of the Person or Persons through whose Lands or Grounds such Deviation or Reservoir shall be made, and with such Consent not more than One hundred Yards from such Line; and the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Parliaments, and the same, or any Copy or Copies thereof certified by the Clerk of the Parliaments to be a true Copy or true Copies thereof, shall and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others, in all Courts of Law and elsewhere.

Houses, &c.
not to be in-
jured, or Land
taken with-
out Consent.

III. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said *Thomas Mottram*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to enter, take, use, injure, or damage, in the Exercise of any of the Powers herein contained, any House or Houses or other Buildings erected or built before the passing of this Act, or any Garden, Orchard, Yard, Park, Paddock, Plantation, Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any private or inclosed Land or Ground whatsoever, without the Consent of the Owner thereof for the Time being first had and obtained in Writing for that Purpose (save and except such as are mentioned and described in the Schedule to this Act annexed).

Not to enter
Mr. Tatton's
Lands with-
out Consent.

IV. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said *Thomas Mottram*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to enter upon any of the Lands or Grounds of *Thomas William Tatton* Esquire, situate in *Werneth* aforesaid, for any of the Purposes of this Act, without the Consent of the said *Thomas William Tatton*, his Heirs or Assigns, in Writing for that Purpose first had and obtained.

Not to enter
Mr. Clarke's
Lands with-
out Consent,
except, &c.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said *Thomas Mottram*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to enter upon any of the Lands or Grounds of *Edward Hyde Clarke* Esquire, for any of the Purposes of this Act, without the Consent of the said *Edward Hyde Clarke*, his Heirs or Assigns, in Writing for that Purpose first had and obtained (except such Parts of the Lands and Grounds of the said *Edward Hyde Clarke* as are mentioned or referred to in the Schedule hereto annexed).

VI. Pro-

VI. Provided also, and be it further enacted, That whenever it shall appear to the said *Edward Hyde Clarke*, his Heirs or Assigns, that any Pipes laid for the Purposes of this Act in any Part of his or their Lands are prejudicial or inconvenient to him or them, the said *Thomas Mottram*, his Heirs and Assigns, shall, at the Request in Writing, Costs and Charges of the said *Edward Hyde Clarke*, his Heirs or Assigns, remove such Pipes, and lay down the same, or other Pipes equally sufficient and effectual for the like Purposes, on such other Parts of the Lands of the said *Edward Hyde Clarke*, his Heirs or Assigns, as he or they shall direct; and the said *Edward Hyde Clarke*, his Heirs and Assigns, shall pay all the reasonable Expences of the Removal of the said Pipes, and of the laying down the same or such other Pipes as aforesaid, and the same may be recovered from him or them in an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Power to remove Pipes through Mr. Clarke's Land at his Expence.

VII. Provided also, and be it further enacted, That nothing in this Act contained shall be held or construed to extend to prejudice or affect the Coal and other Mines now existing or hereafter to exist of the said *Edward Hyde Clarke*, his Heirs or Assigns, or the Use, Occupation, Enjoyment, Alteration, or working of the same, or any Rights or Privileges in respect thereof, which might have been exercised or enjoyed by the said *Edward Hyde Clarke*, his Heirs or Assigns, if this Act had not been made.

Mr. Clarke's Coal Mines not to be prejudiced.

VIII. Provided also, and be it further enacted, That it shall not be lawful for the said *Thomas Mottram*, his Heirs or Assigns, after the Expiration of Five Years from the Day of the passing of this Act, to take and use any Lands, Grounds, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, which shall not have been taken and used or purchased under the Powers and Authorities of this Act within the said Period of Five Years, except with the Consent in Writing of the Owners or Proprietors thereof; any thing herein contained to the contrary notwithstanding.

Power to take Land limited to Five Years.

IX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said *Thomas Mottram*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to divert or convey, for the Purposes of this Act, any Water whatever from or out of certain Brooks or Rivulets called or known by the several Names of the *Flaxfinch Brook* and *Higham Brook*.

No Water to be taken from Flaxfinch Brook or Higham Brook.

X. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said *Thomas Mottram*, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to divert or convey for the Purposes of this Act such a Quantity of Water from or out of a certain Brook or Rivulet called or known by the Name of the *Moor Hey Brook*, as thereby to prevent the Owners and Occupiers of any Manufactories or Works adjoining or near thereto, or now supplied therewith, from using and enjoying the Water of the said Brook or Rivulet in as full and ample a Manner as they have heretofore been accustomed to do.

Water not to be taken from certain Streams so as to injure Manufactories.

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XI. And

For ascer-
taining the
Height of the
Water in a
certain
Rivulet.

XI. And for the Purpose of ascertaining the Quantity of Water flowing down the said Brook, Rivulet, or Watercourse called the *Moor Hey Brook*, be it further enacted, That *Thomas Cheek Hewes* of *Manchester* in the County of *Lancaster*, Civil Engineer, shall be and he is hereby appointed Engineer, and is hereby required, in the first place, to measure, gauge, and estimate, and by his Award or Awards in Writing under his Hand and Seal (which Award or Awards shall be for ever binding upon the Parties respectively interested in the said Water of the said Brook, Rivulet, or Watercourse, and their respective Heirs, Successors, and Assigns,) to ascertain and determine what shall be the average Quantity of Water flowing down the said Brook, Rivulet, or Watercourse, and by the said Award or Awards, with proper Plans and Sections to be thereto annexed, to ascertain, determine, and direct the Situation where a proper Gauge or Weir shall be placed upon the said Brook, Rivulet, or Watercourse, and the Nature, Construction, Dimensions, and Level of such Gauge, so as to denote and ascertain the Quantity of Water which ought to flow in the same Brook, Rivulet, or Watercourse at the Place where such Gauge shall be fixed, which Quantity shall be equal to the Produce of such Brook, Rivulet, or Watercourse, and also by his said Award or Awards to ascertain, determine, and direct the Means of guarding and protecting such Gauge; and the said Engineer shall, within Fifteen Calendar Months from the passing of this Act, or in the Case of any Appointment of a new Engineer as herein-after mentioned, such new Engineer, within Fifteen Calendar Months from the Time of such Appointment, make his Award or Awards in Writing upon the Matters and Things which he is hereby authorized to ascertain, determine, and direct.

New Engi-
neer to be ap-
pointed in
case of
Death, &c.

XII. Provided also, and be it further enacted, That in case at any Time or Times hereafter the said *Thomas Cheek Hewes*, or any Engineer to be appointed as herein-after mentioned, shall die before making his Award or Awards, or shall neglect or refuse to act in the Execution of the several Powers and Authorities herein-before given to him for the Space of Three Calendar Months, another Engineer shall within Four Calendar Months thence following be appointed by the Chairman of the General or Quarter Sessions of the Peace for the said County of *Chester*, who is hereby authorized and required, on Application to him, to appoint such Engineer by Writing under the Hand of such Chairman; and such Engineer shall have the same Powers and Authorities in all respects as if he had been originally appointed an Engineer for the Purposes herein in this Behalf mentioned, and the Award or Awards of such newly-appointed Engineer shall be as binding and conclusive to all Intents and Purposes as if such Award or Awards had been made by the said *Thomas Cheek Hewes*.

Matters not
determined
by Award
to be deter-
mined by
Engineer
afterwards.

XIII. Provided also, and be it further enacted, That in case any further Matter, Difference, or Question shall at any Time hereafter arise between the said *Thomas Mottram*, his Heirs or Assigns, and any other Person interested in the Water of the said Brook, Rivulet, or Watercourse, which shall not be provided for by any Award or Awards which shall have been previously made in the Premises, then
and

and in every such Case the Matters and Things then remaining to be ascertained and determined shall be ascertained and determined by the said *Thomas Cheek Hewes*, or the said other Engineer to be appointed as and in the Manner herein-before mentioned.

XIV. And be it further enacted, That such Gauge or Weir so ascertained, determined, and directed by the said Engineer to be made and set up as herein-before mentioned, and all Works for securing and protecting the same respectively, shall be made, erected, finished, and completed by the said *Thomas Mottram*, his Heirs or Assigns, within such Time or respective Times as the said Engineer so making the said Award as aforesaid shall by his said Award direct or appoint; and from and after such Gauge or Weir and Works shall be made, erected, finished, and completed as aforesaid, the said *Thomas Mottram*, his Heirs or Assigns, shall for ever afterwards maintain and keep the same in good, substantial, and perfect Order, Repair, and Condition.

Gauge or Weir to be made and repaired by Mr. Mottram, &c.

XV. And be it further enacted, That every such Award in Writing, with the Plans and Sections thereunto annexed, shall be fairly engrossed, written, and drawn on Parchment, and within Six Calendar Months after the Execution thereof, or as soon as conveniently may be, shall be enrolled with the Clerk of the Peace for the said County Palatine of *Chester*, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof no more than One Shilling shall be paid; and a Copy of every such Award, and of the Plans and Sections thereunto annexed, or any Part thereof respectively, signed by the Clerk of the Peace for the Time being for the said County Palatine, or his Deputy, and purporting to be a true Copy, shall from Time to Time be made and delivered by such Clerk, of the Peace for the Time being, or his Deputy as aforesaid, to any Person or Persons requesting the same, for which no more shall be paid than Sixpence for every Sheet of One hundred Words of such Copy of the said Award; and every such Award, Plans, and Sections, and each Copy of the same, or any Part thereof respectively, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatsoever as legal Evidence; and every such Award, Plans, and Sections, and all Matters and Things therein contained, shall to all Intents and Purposes be binding and conclusive, except where some Proviso is therein contained to the contrary, unto and upon all Parties and Persons concerned or interested in the same.

Engineer's Award to be enrolled with Clerk of the Peace, and the same or Copies admitted in Evidence.

XVI. Provided always, and be it further enacted, That all the Charges and Expences of the said Engineer so appointed or to be appointed as aforesaid, and of his Appointment, and also the Costs and Charges of making and enrolling every such Award as aforesaid, and the Plans and Sections to be annexed thereto as aforesaid, or the Execution of the several Directions herein-before contained touching the same Water, or anywise relating thereto respectively, shall be paid and borne by the said *Thomas Mottram*, his Heirs or Assigns.

Expences of Award, &c. to be paid by Mr. Mottram.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said *Thomas Mottram*,
Mottram,
 Restraining Mr. Mottram from using

Water arising
on Back
Bower Farm.

Mottram, his Heirs or Assigns, or any Person or Persons acting by or under his or their Authority, to divert, take, or use, for the Purposes of this Act, a certain Spring of Water arising in a Farm or Tenement in *Hyde* aforesaid, called the *Back Bower Farm*, by which the Reservoir belonging to the Mill of Mister *Joseph Horsfield* in *Hyde* aforesaid is supplied with Water; nor shall it be lawful for the said *Thomas Mottram*, his Heirs or Assigns, or any Person or Persons acting under his or their Authority, in the Exercise of the Powers of this Act, prejudicially to affect the Passage of the Brook or Stream by which the Water of the said Spring has been accustomed to flow, and to be conveyed from the said Farm to and into the said Reservoir of the said *Joseph Horsfield*.

Bodies Politic, &c. empowered to convey Lands for the Purposes of this Act.

XVIII. And be it further enacted, That 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 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, Water, or Hereditaments which shall be wanted for the Purposes of this Act, to treat, contract, and agree with the said *Thomas Mottram*, his Heirs or Assigns, for the Sale thereof or of any Part thereof, or for the Use thereof or of any Part thereof for ever, and to sell and convey the same and every or any Part thereof unto the said *Thomas Mottram*, his Heirs and Assigns; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said *Thomas Mottram*, his Heirs and Assigns, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

Form of
Conveyance.

‘ I [or We] of
‘ in consideration of
‘ to be paid by Heirs and Assigns, of
‘ in the County of *Chester*, 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
‘ Heirs and Assigns, all [*here insert the proper Description of the Lands, Water, or Hereditaments intended to be conveyed*],
‘ and all my [or our] Estate and Interest therein, to hold unto and
‘ to the Use of the said Heirs and
‘ Assigns for ever, according to the true Intent and Meaning of the
‘ said Act. In witness whereof I [or we] have hereunto set my
‘ Hand

' Hand and Seal [*or* our Hands and Seals] the Day
' of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

XIX. And be it further enacted, That the said *Thomas Mottram*, his Heirs or Assigns, shall and he or they is and are hereby required to pay or to offer or tender to the Owners and Occupiers of and Persons interested in any Lands, Tenements, Water, or Hereditaments which shall be wanted for the Purposes of this Act, or which shall be injured, damaged, or taken under the Powers or Provisions of this Act, a Sum or Sums of Money adequate to the Value thereof, and to such Injury or Damage; and all Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons herein-before capacitated to sell and convey Lands, Tenements, Water, and Hereditaments, and all and every Person and Persons being the Owner and Owners and Occupier and Occupiers of any Lands, Tenements, Water, or Hereditaments in, upon, over, or through which the said Reservoirs, Feeders, Aqueducts, Conduits, Pipes, and other Works are intended to be made, constructed, carried, or laid, or any of them, and all Bodies Politic, Corporate, or Collegiate, and Trustees, and all and every Person and Persons, injured or damaged under the Provisions of this Act or any of them, may accept and receive Satisfaction for the Value of such Lands, Tenements, Water, or Hereditaments, and for the Damages to be sustained in making and completing the said Works, in such gross Sums as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said *Thomas Mottram*, his Heirs or Assigns; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract for the same, the said *Thomas Mottram*, his Heirs and Assigns, may and shall be at liberty to enter upon, and thenceforth for ever to have, take, and enjoy the said Lands, Tenements, Water, and Hereditaments, for the Uses and Purposes of this Act.

XX. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested in or entitled to any Lands, Tenements, Water, or Hereditaments as aforesaid, shall refuse to accept any such Purchase Money, Recompence, or other Compensation as shall be offered or tendered to them by the said *Thomas Mottram*, his Heirs or Assigns, or by any Person or Persons on his or their Behalf, or shall neglect or refuse to treat or shall not agree with the said *Thomas Mottram*, his Heirs or Assigns, or with any Person or Persons acting on his or their Behalf, or shall refuse or neglect to execute any such Sale and Conveyance, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage, or any other Impediment or Disability not provided for by this Act, be incapable of treating or making such Agreement as shall be expedient for enabling the said *Thomas Mottram*, his Heirs or Assigns, to make or proceed in

In case of Dispute as to Value, a Jury to assess the same.

[Local.] 8 C making

making any such Reservoirs or other Works, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said *Thomas Mottram*, his Heirs or Assigns, or the Person or Persons acting on his or their Behalf as aforesaid, then and in every such Case it shall be competent to the said *Thomas Mottram*, his Heirs or Assigns, to give Notice in Writing to the Party or Parties so refusing or neglecting, of his or their Intention to have the Value of the Premises, or the Amount of the Damages or Satisfaction, settled by a Jury, by leaving the same at the usual or last Place of Abode of any such Party or Person, or, in case of Trustees or Feoffees or other joint Interest or Control in or over the same Estate, at the usual or last Place of Abode of any or either of such Trustees, Feoffees, or Persons having such joint Interest or Control, or of the Clerk or Agent or head Officer of any Body Politic, Corporate, or Collegiate, or, in case of Absence of any such Owner, by leaving such Notice at the last or usual Place of Abode of the Tenant of the Premises; and it shall be lawful for any Justice of the Peace for the said County of *Chester*, Fourteen Days after such Service of any such Notice, and such Justice is hereby required, on the Application of the said *Thomas Mottram*, his Heirs or Assigns, or of any Person acting on his or their Behalf, on Proof of such Service of any such Notice, from Time to Time to issue a Warrant under his Hand and Seal to the Sheriff of the County of *Chester*, or in case such Sheriff or his Under Sheriff shall happen to be interested in the Matter in question, then to any One of the Coroners of the same County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized empowered, and required to summon, return, and impanel Twenty-four substantial and indifferent Men of the said County of *Chester*; and the Persons so to be summoned, returned, and impanelled are hereby required to come and appear before the Justices of the Peace for the said County at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County, or at some Adjournment thereof, as in such Warrant shall be directed or appointed, 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 speedily be 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

In default of Attendance of Jurymen, Standers-by may be returned.

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 inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, Water, and Hereditaments, or by way of Satisfaction for any Damage or Injury which may arise by taking and using the same, or any Part thereof, under the Powers or Provisions of this Act, and also a separate and distinct Sum and Sums of 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 or may be occasioned in the Execution of any of the Powers or Provisions of this Act, and the Cause or Occasion of which shall have been only in part obviated or repaired by the said *Thomas Mottram*, his Heirs or Assigns; 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 Bodies Politic, Corporate, or Collegiate, and all other 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 *Thomas Mottram*, his Heirs or Assigns, to the Party or Parties with whom any such Controversy shall arise, by leaving such Notice at the usual or last Place of Abode of such Person or Persons, or of the Clerk or Agent or head Officer of any such Body Politic, Corporate, or Collegiate, or, in case of the Absence of any Owner or Proprietor, at the usual or last Place of Abode of any Tenant or Occupier of the Premises intended to be valued or respecting which any such Question shall arise.

Witnesses may be summoned.

Jurymen may view the Place or Matter in question.

Verdict, and Judgment thereon, to be conclusive.

Notice of the Time and Place of the Meeting to be given.

XXI. And be it further enacted, That the said Jurors in all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Tenements, and Hereditaments, shall separately and distinctly assess and adjudge any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands, Tenements, and Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

The Value of Lands and Damages to be ascertained separately.

XXII. And be it further enacted, That the said Jurors 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.

XXIII. And

Verdicts of
Juries to be
recorded.

XXIII. 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 take 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.

Penalty upon
Sheriffs,
Jurors, or
Witnesses
making
Default.

XXIV. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon 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 so to be summoned to give Evidence as aforesaid 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 (having no reasonable Excuse to be allowed by the said Justices) 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.

Juries to be
subject to
certain
Regulations.

Persons
giving false
Evidence
subject to the
Penalties of
Perjury.

XXV. And be it further enacted, That every such Jury and Jurymen as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen had been returned for the Trial of any Issue joined in any of 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 as such 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 the Laws in being subject and liable to.

By whom
Expences of
Juries shall
be paid.

XXVI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said *Thomas Mottram*,

tram, his Heirs or Assigns, as a Recompence or Satisfaction for any such Lands, Tenements, Water, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said *Thomas Mottram*, his Heirs or Assigns; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days after Demand made thereof from the said *Thomas Mottram*, his Heirs or Assigns, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said *Thomas Mottram*, his Heirs or Assigns, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Chester*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said *Thomas Mottram*, his Heirs or Assigns, as such Recompence or Satisfaction as aforesaid, 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 *Thomas Mottram*, his Heirs or Assigns; but in Cases where any Person or Persons, Party or Parties shall have been prevented by Absence, Nonage, or other Impediment or Disability, from entering into any Treaty with the said *Thomas Mottram*, his Heirs or Assigns, the Costs and Charges so incurred shall be borne by the said *Thomas Mottram*, 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 Palatine of *Chester*, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said *Thomas Mottram*, his Heirs or Assigns, as aforesaid, the Amount thereof, having been first paid by the said *Thomas Mottram*, his Heirs or Assigns, may be deducted by him or 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 *Thomas Mottram*, 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 or Record at *Westminster*, together with full Costs of Suit.

Power to
enter Lands
upon Pay-
ment or Ten-
der of Pur-
chase Money.

XXVII. And be it further enacted, That upon Payment or legal 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 such Lands, Tenements, Water, or Hereditaments, or as a Recompence or Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be 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 upon Payment of any such Sum or Sums of Money into the Bank of *England* as herein-after directed and required, it shall be lawful for the said *Thomas Mottram*, his Heirs or Assigns, and his or their Agents, Servants, and Workmen, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively, and to cut, dig, trench, sough, and work therein, and to do all other Acts, Matters, and Things necessary for making and completing the Reservoirs, Feeders, Aqueducts, and Watercourses by this Act authorized to be made or done, and then and thereupon the Lands, Tenements, Water, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said *Thomas Mottram*, his Heirs and Assigns, to and for the Purposes of this Act, for ever; and such Payment or Tender to such Proprietor or Proprietors or Person or Persons, or such Payment into the Bank of *England*, 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, Security, or Tender as aforesaid, it shall not be lawful for the said *Thomas Mottram*, his Heirs or Assigns, or any Person acting under his or their Authority, to dig or cut into such Lands or Grounds for the Purpose of making the Reservoirs or laying the Pipes hereby authorized to be made or laid, or any of them, without Leave of the respective Owners or Occupiers thereof in Writing under their respective Hands.

Mortgagees
to convey.

XXVIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or 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 Mortgage or Mortgages,) shall on Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said *Thomas Mottram*, his Heirs or Assigns, immediately convey, assign, and transfer such Mortgage or Mortgages to the said *Thomas Mottram*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice

in Writing from the said *Thomas Mottram*, his Heirs or Assigns, that he or they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, upon Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said *Thomas Mottram*, his Heirs or Assigns, or to such other Person or Persons as he or they shall appoint in Trust for him or them; and in case such Mortgagee or 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 or Mortgages shall amount to more than the Value of the Premises, to be ascertained as directed by this Act, then the said *Thomas Mottram*, his Heirs or Assigns, shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the Principal Money and Interest due on any such Mortgage or 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 or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon 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 *Thomas Mottram*, his Heirs and Assigns, and he and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken by the said *Thomas Mottram*, his Heirs or Assigns, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, Water, or Hereditaments to the said *Thomas Mottram*, his Heirs or Assigns, or to such Person or Persons as he or they shall appoint in Trust for him or them; 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 Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him or them in the said Lands, Tenements, Water, or Hereditaments, the Value whereof shall have

have been so ascertained and paid into the Bank as aforesaid, shall vest in the said *Thomas Mottram*, his Heirs and Assigns, and he and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

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

1 G. 4. c. 35.

XXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, Water, 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 *Hyde, Werneth, and Newton Waterworks,*" pursuant to the Method prescribed by an Act made in the First Year of the Reign of His late Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Water, 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, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Water, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, 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 Mesuages, Lands, Water, 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

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, Water, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXX. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, Water, 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 all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, Water, 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 *Thomas Mottram*, 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 200*l.* and amounting to or exceeding 20*l.*

XXXI. And be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Water, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said *Thomas Mottram*, 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.

When less than 20*l.*

XXXII. 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 *Thomas Mottram*, 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,

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

[*Local.*]

8 E

Water,

Water, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said *Thomas Mottram*, 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, Water, 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 to 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 disputed Titles, the Person in Possession to be deemed lawfully entitled.

XXXIII. 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, Water, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, Water, 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, Water, or Hereditaments at the Time of such Purchase by the said *Thomas Mottram*, 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, Water, or Hereditaments, according to such Possession, until the contrary shall be shown 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 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, Water, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order reasonable Expences of

XXXIV. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, Water, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the

the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, Water, or Hereditaments to be settled to the like Uses in pursuance of this Act, 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 *Thomas Mottram*, his Heirs or Assigns, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Purchases to be paid by Mr. Mottram.

XXXV. And be it further enacted, That all Main Pipes and Branch Pipes which shall be laid down in any Highway, Road, Street, Lane, or public Place, for the Purposes of this Act, shall be laid down at least Twenty Inches beneath the Surface or Pavement of any such Highways, Roads, Streets, Lanes, or public Places within the said several Townships of *Hyde*, *Werneth*, and *Newton*, except in passing over Bridges and Vaults; and where any such Pipes shall be laid upon, over, or across any public Bridge or Bridges, or any Approaches belonging thereto, such Pipe or Pipes shall be laid down under the Footpaths of such Bridge or Bridges and Approaches, and within Brick or Stone Soughs, and such Soughs shall be set with Lime Mortar, and be covered with good and sufficient Flags, to form Part of such Footpaths; and the Person or Persons liable to repair and amend any such Bridges shall not be subject or liable to make any Recompence or Satisfaction for or by reason of any Injury, Damage, Interruption, or Inconvenience which may unavoidably happen by the falling down, giving way, taking down, rebuilding, repairing, widening, amending, and improving such Bridge or Bridges, or the Approaches to the same, or for or by reason of the Supply of Water being thereby necessarily interrupted, suspended, or prevented.

Directing how Pipes shall be laid down.

XXXVI. And be it further enacted, That whenever any Highway or Pavement shall be opened or taken up, either by the said *Thomas Mottram*, his Heirs or Assigns, or by any other Person or Persons, for laying, taking up, or repairing any Aqueducts or Pipes by virtue of this Act, the Workmen employed in laying, taking up, or repairing any such Aqueducts or Pipes shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Ground, Pavements, and Roads, and carry away the Rubbish occasioned thereby, without any Delay, and shall in the mean time fence or guard, and affix Lamps or Lights during the Night and all Night at or near the Place or Places where the Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages; and if there be any wilful or negligent Delay in the said *Thomas Mottram*, his Heirs or Assigns, or in any of his or their Agents or Servants, or any other Person or Persons acting by or under his or their Authority, in filling in any such Ground, or removing Rubbish, or making good such Ground, Pavement, or Roads, then and in every such Case it shall and may be lawful to and for any Owner or Occupier of the Ground, or the Trustees or Commissioners under whose Jurisdiction, Care, or Management such Pavements or Roads now are or hereafter shall be respectively, or their

Workmen laying Pipes to make good the Pavements.

Provision in case of Default.

Surveyor

Surveyor or Surveyors, or any other Person or Persons acting under the Authority of the said Owners, Occupiers, Commissioners, or Trustees respectively, to fill in such Ground, and remove such Rubbish, and to repair and make good such Ground or Pavement so broken up, and properly to fence or guard any such Trench or Excavation, 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 *Thomas Mottram*, his Heirs or Assigns; and in default of Payment thereof for Thirty Days next after Demand shall be made by such Owner or Occupier, or Surveyor or other Person acting by or under the Authority of the said Commissioners or Trustees respectively, 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 said County of *Chester*, then 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 *Thomas Mottram*, his Heirs or Assigns, or such other Person or Persons, 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); and such Costs and Expences shall be paid to such Owner or Occupier, or Commissioners or Trustees, or their Treasurer respectively.

Penalty on
Washings
draining into
Rivers,
Wells, &c.

XXXVII. Provided always, and be it further enacted, That if any Body or Bodies Politic or Corporate, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, 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, or any noisome or offensive Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, Well, Drain, Sewer, or Ditch, then and in every such Case such Body or Bodies or Person or Persons as aforesaid 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 Imparlance, shall be allowed; and the whole thereof shall be paid to the Person or Persons 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 Twelve Calendar Months from the Time of such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over
and

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 emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, 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 or Persons whomsoever to such Body or Bodies, Person or Persons, making, furnishing, or supplying such Gas as aforesaid, and such Body or Bodies, Person or Persons, making, furnishing, or supplying such Gas as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given to them as aforesaid, stop, hinder, and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being emptied, drained, 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 or Bodies, Person or Persons as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each and every Day such 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 the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

XXXVIII. And be it further enacted, That all and every the Pipes or other Conduits which shall or may at any Time or Times be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Road, Lane, or Place within the Limits of this Act, shall be so laid at the greatest practicable Distance from any Main Pipe, Branch Pipe, or Aqueduct to be made or placed by virtue of this Act, and, whenever the Width of the Carriageway in such Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Main Pipe, Branch Pipe, or Aqueduct hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Roads, Lanes, or Places; (unless in Cases where it shall be unavoidably necessary to lay the Gas Main Pipes across any of the said Main Pipes, Branch Pipes, or Aqueducts for the Conveyance of Water, in which Cases the said Gas Pipes shall be laid over and above such Main Pipes, Branch Pipes, and Aqueducts at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing any such Main Pipes, Branch Pipes, or Aqueducts shall be at least Nine Feet in Length, so

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

[*Local.*]

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that

that no Joint of any of the said Gas Pipes shall be nearer to any Part of any such Main Pipes, Branch Pipes, or Aqueducts, than Four Feet at least;) and that in laying down the said Gas Pipes, any Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, shall in no Case join Two or more Gas Pipes 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 and from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Ten Pounds.

To prevent
Contamina-
tion, &c. of
Water.

XXXIX. And be it further enacted, That whenever the Water of any Main Pipe, Branch Pipe, or Aqueduct, or any Water to be supplied by the said *Thomas Mottram*, his Heirs or Assigns, or by any other Party or Person, for the Use of the Inhabitants within the Limits of this Act, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of any Company, or any Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, then such Company, Body or Bodies, Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and in case any such Water shall be contaminated or affected in any Way whatsoever by the Gas of any such Company, Body or Bodies, Person or Persons as aforesaid, then and in every such Case and Cases such Company, Body or Bodies, Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any Inhabitant within the Limits of this Act, or by any Party or Person interested in or using any Water which shall be so contaminated or affected, to be left at the usual Office or Place of transacting Business of any such Company, or Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Person or Persons 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 any such Company, Body or Bodies, Person or Persons 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 Notice shall be given as aforesaid, then and in every such Case every such Company, Body or Bodies, Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain

contaminated, tainted, or affected by such Gas, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered.

XL. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of such Company, or Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act; be it therefore enacted, That in every such Case it shall and may be lawful to and for the Inhabitant or Party or Person so complaining, as also for the said *Thomas Mottram*, his Heirs or Assigns, after giving Notice in Writing to the Commissioners or Trustees or Surveyor of Highways respectively under whose Care, Superintendence, or Control any public Streets, Roads, Squares, Market Places, Passages, or other public Places within the Limits of this Act may be, or to the Party or Person having the Property in the Soil, (as the Case may be,) and having an Order signed by any Justice or Justices of the Peace, (which Order such Justice and Justices is and are hereby required to grant on Oath made before him or them that such Water is believed to be so contaminated,) to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of any such Company, Body or Bodies, Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceeds from or be occasioned by the Gas of such Company, Body or Bodies, Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas, the Costs and Expences of the said digging, Search, and Examination, and Repair of the Pavement of the Street or Streets or other public Place, or such Part or Parts thereof which shall be so taken up or disturbed, and the filling in of the Soil so broken up, shall be borne and paid by such Company, Body or Bodies, Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice or Justices, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of such Company, Body or Bodies, Person or Persons as aforesaid, then and in such Case the said Inhabitant or Party or Person so complaining, or the said *Thomas Mottram*, his Heirs or Assigns, shall bear and pay all the Costs and Expences of such Examination and Search, and shall also forthwith pay and make good to the said Commissioners or Trustees or Surveyors respectively under whose Care, Superintendence, or Control any such Streets, Roads, Squares, Market Places, Passages, or other Places, or any Part thereof, or the Owner of the Soil, as the Case may be, which shall or may have been so broken up for the Purpose aforesaid, all Costs, Charges, and Expences which shall or may be incurred by such Commissioners or Trustees or Surveyors or Parties or Persons respectively in repairing, restoring, and making good any Street, Road, Square, Market Place, Passage, or other Ground or Place, or any Part thereof, which may have been so broken up; and such Inhabitant or Party or Person so complaining shall also, in the Case aforesaid, forthwith pay and make good to such Company,
Body

For ascertaining if the Water is contaminated.

Body or Bodies, Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of such Company, Body or Bodies, Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined in the said Cases respectively, if necessary, by such Justice or Justices of the Peace as aforesaid.

Inhabitants of Houses, &c. may lay Pipes to the Mains for serving their Premises with Water.

XLI. And be it further enacted, That such of the Owners or Occupiers of Buildings within or Inhabitants of the said several Townships of *Hyde*, *Werneth*, and *Newton*, as shall be desirous of having Water conveyed in Pipes into their Houses, Factories, Warehouses, Workshops, or other Buildings and Premises, for their Use or Service, may and are hereby authorized and empowered, at their own Expence, (having first given Six Days previous Notice in Writing to the said *Thomas Mottram*, his Heirs or Assigns, of his, her, or their Intention so to do, and having first obtained the Consent of the Owner or Owners, Occupier or Occupiers of any inclosed Lands or Grounds through or in which it may be necessary to carry, lay, or place any Service Pipe or Pipes,) to open the Ground between the said Main Pipes, Branch Pipes, or Aqueducts, and the respective Houses, Buildings, Brewhouses, Manufactories, Offices, Yards, and other Premises of such Owners, Occupiers, or Inhabitants, and to carry, lay, or place any leaden or other Service Pipe or Pipes, the Bore thereof to be of the Dimensions of Three Quarters of an Inch, without the Consent of the said *Thomas Mottram*, his Heirs or Assigns, (or of a greater Bore if the said *Thomas Mottram*, his Heirs or Assigns, shall consent thereto,) from such respective Houses, Buildings, or other Premises, to communicate with the said Main Pipes, Branch Pipes, or Aqueducts, such respective Owners of Buildings or Inhabitants paying to the said *Thomas Mottram*, his Heirs or Assigns, the Rates herein-after mentioned: Provided always, that all and every Person and Persons who shall have laid any leaden or other Pipe or Pipes as aforesaid shall be at liberty to remove and take away such Pipe and Pipes, and the Cock or Cocks belonging thereto, having first given Twenty-four Hours Notice in Writing to the said *Thomas Mottram*, his Heirs or Assigns, of his, her, or their Intention so to do, and of the Time of the doing thereof, and doing no Injury or Damage to the Pipes of the said *Thomas Mottram*, his Heirs or Assigns.

Cisterns and Stopcocks to be provided by the Inhabitants.

XLII. And be it further enacted, That before any Person or Persons shall be entitled to be supplied with Water by virtue of this Act, such Person or Persons shall, if required so to do by the said *Thomas Mottram*, his Heirs or Assigns, provide and keep a Cistern or Receptacle for such Water, such Cistern or Receptacle to be of Lead or Stone or Brick, puddled and made safe from Loss of Water by Leakage or Drainage, and also provide and maintain in such Cistern or Receptacle for Water a Valve or Ball and Stop Cock, or other self-acting Cock, affixed to the Pipe conveying any such Water into such Cistern or Receptacle, in order to prevent the Water from running to waste from such Cistern or Receptacle.

Limiting the Rates for Water, &c.

XLIII. Provided always, and be it further enacted, That the said *Thomas Mottram*, his Heirs and Assigns, shall be obliged to furnish such

such a sufficient Supply of Water to every Inhabitant occupying a private Dwelling House or Part of a Dwelling House in any Street, Road, Lane, or Place in the said several Townships of *Hyde, Werneth, and Newton*, (where any Main or Branch Pipes shall have been laid in pursuance of this Act, and where the requisite Service Pipes shall have been previously provided and laid or placed for conveying such Water,) for the domestic Uses of every such Inhabitant and his or her Family, at the following Rates *per Annum*; that is to say, where the Rent of such Dwelling House or Part of a Dwelling House shall not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds and Ten Shillings; and where such Rent shall be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds; and where such Rent shall be above Forty Pounds and not exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds and Ten Shillings; and where such Rent shall be above Sixty Pounds and not exceeding Eighty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such Rent shall be above Eighty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds and Ten Shillings; and where such Rent shall be above One hundred Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and every such Rate shall be payable according to the actual Amount of the Rent, where the same can be ascertained, and where the same cannot be ascertained, then according to such Rent as such Inhabitant shall be assessed at for the Poor's Rate: Provided nevertheless, that the said *Thomas Mottram*, 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 *Thomas Mottram*, his Heirs or Assigns, be obliged to furnish such Supply to any Inhabitant for less than Twelve Shillings in any One Year, unless he or they shall think fit so to do; and provided further, that in Cases of Spinners, Manufacturers, Dyers, Printers, Bleachers, Hatters, Innkeepers, Alehouse Keepers, Vintners, or other Person or Persons requiring a Supply of Water for other Purposes than those of domestic Uses, or in case of any Inhabitant or Person or Persons requiring a Supply of Water for Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business whatsoever, such Supply shall be furnished by the said *Thomas Mottram*, his Heirs or Assigns, in such Cases, at such Rate as shall be settled and agreed upon by the said *Thomas Mottram*, his Heirs or Assigns, and such Person or Persons respectively.

XLIV. Provided always, 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 Service Pipe, to be laid to and introduced into any Reservoir, Main Pipe, Branch Pipe, or Aqueduct, 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 as he or they would be liable to pay for the same if each of such several Messuages, Cottages, Dwelling Houses, or Tene-

When several Houses, &c. are supplied by One common Branch Pipe, each Occupier to be liable to Rates.

[*Local.*]

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ments

ments was separately supplied with Water by a distinct Service Pipe from the Waterworks of the said *Thomas Mottram*, his Heirs or Assigns, and such several Rates in case of Nonpayment shall be recoverable and recovered in like Manner as any other Rates are recoverable or may be recovered by virtue of this Act.

Rates payable in advance.

XLV. And be it further enacted, That the Rates payable to the said *Thomas Mottram*, his Heirs and Assigns, under and by virtue of this Act, shall from Time to Time become due and be payable in advance, and before the said *Thomas Mottram*, his Heirs or Assigns, shall be required or obliged to supply any Water by means of any Service Pipe or Service Pipes.

Provision in case of Non-payment of Rate, and for Recovery thereof.

XLVI. And be it further enacted, That in case of Default in Payment of any Rate or Rates, or Sum or Sums of Money, at any Time or Times hereafter due or payable to the said *Thomas Mottram*, his Heirs or Assigns, under or by virtue of this Act, it shall and may be lawful for the said *Thomas Mottram*, his Heirs or Assigns, to cause any Service Pipe or Service Pipes which shall have been laid or placed or affixed to, or shall communicate with, the said Main Pipes, Branch Pipes, or Aqueducts, for supplying with Water the House or Premises of the Person or Persons making Default in such Payment, to be separated from the said Main Pipes, Branch Pipes, or Aqueducts, and to stop the Water from issuing or running into the Houses, Manufactories, Buildings, or other Premises of the Person or Persons making such Default; and the Rate or Rates, Sum or Sums of Money, so due and in arrear, and every Part thereof, shall be recoverable, and shall and may be recovered by the said *Thomas Mottram*, his Heirs or Assigns, together with Costs, by Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting to pay the same or any Part thereof, ~~wherever~~ such Goods and Chattels may be found, in the same Manner as Rents in arrear upon common Demises may by Law be recovered, or the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Penalty for not supplying Water to Inhabitants.

XLVII. And be it further enacted, That in case the said *Thomas Mottram*, his Heirs or Assigns, shall neglect or refuse to supply any of the said Inhabitants occupying any private Dwelling House in any Street, Road, or Lane where any Main Pipe, Branch Pipe, or Aqueduct of the said Waterworks shall be laid, with Water for the Use of his or her own Family, at the Rate herein-before mentioned, for the Space of Five Days after Demand in Writing shall be made by such Inhabitant having laid any such Service Pipe for such Supply of Water, and Tender having been made to the said *Thomas Mottram*, his Heirs or Assigns, of the Amount of the Rate for One Year for such Supply, the said *Thomas Mottram*, his Heirs or Assigns, shall forfeit and pay to such Inhabitant Treble the Amount of the Rate so tendered, and shall also forfeit and pay the further Sum of Twenty Shillings for every Day the said *Thomas Mottram*, his Heirs or Assigns, shall continue to neglect or refuse such Supply after the Expiration of such Five Days, (provided that at the Time of such Demand

Demand and Tender being made, and afterwards, there shall be a Sufficiency of Water in the said Reservoirs for the Purpose, and in case such Supply can be granted without lessening the Supply to the other Inhabitants of the said Township, but not otherwise,) such respective Penalties 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 Palatine of *Chester*, by Distress and Sale of the Goods and Chattels of the said *Thomas Mottram*, his Heirs or Assigns, as herein-after provided; and such respective Penalties shall be paid to the Overseers of the Poor of the Township in which the Premises shall be situated, and shall be by them laid out and applied in aid of the Rates for the Relief of the Poor.

XLVIII. And be it further enacted, That it shall be lawful for the said *Thomas Mottram*, his Heirs or Assigns, or any other Person or Persons acting by or under his or their Authority, from Time to Time (upon giving Eight Hours previous Notice of his or their Intention) to enter into any House or Tenement or Premises supplied with Water by virtue of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said *Thomas Mottram*, his Heirs or Assigns, or to examine and ascertain if the Pipes or Cocks for supplying such House, Tenement, or other Premises be in good and proper Repair; and if the said *Thomas Mottram*, his Heirs or Assigns, or other Person or Persons acting by or under his or their Authority, shall at any such Time or Times be refused Admittance or Entrance into any such House, Tenement, or Premises for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall be lawful for the said *Thomas Mottram*, his Heirs or Assigns, to cut off the Service Pipe supplying such Water, and to cut or turn off or discontinue the Supply of such Water from such House or Tenement or Premises; but such Separation or Discontinuance of such Supply shall not prevent or hinder the said *Thomas Mottram*, his Heirs or Assigns, from resorting to and pursuing the Means by this Act provided for Recovery of Rates for any Rate then due.

Power to enter Premises to see that there is no undue Waste of Water.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said *Thomas Mottram*, his Heirs or Assigns, and his or their Agents, Servants, or Workmen, in Times of Scarcity of Water, or when the Springs are low, and also when it shall be necessary to do any Repairs or make any Alterations or Amendments in or to the said Pipes, Cocks, Reservoirs, Aqueducts, Soughs, Drains, or other Works, to stop the Supply of Water running from the said Reservoirs to the said Townships, so long as it shall be necessary either for the Accumulation of Water for the better Supply of the said Inhabitants, or for the Repair or Amendment of any of the said Pipes, Soughs, Drains, or Reservoirs, Aqueducts or other Works; and it shall also be lawful for the said *Thomas Mottram*, his Heirs or Assigns, or his or their Agents, Servants, or Workmen, to cut off and separate, or cause to be cut off and separated, any Service Pipe or Pipes from the Main Pipes, Branch Pipes, or Aqueducts, and the Water to be stopped

Service Pipes, &c. may be stopped and separated in certain Cases.

stopped from issuing or running therefrom into such Service Pipe or Pipes, or any Drains, Cisterns, or Aqueducts, in case any Person or Persons having any Service Pipe or Pipes shall negligently or wilfully suffer the Water to run waste or useless, or shall suffer his, her, or their Service Pipe or Pipes, or the Cisterns or Cocks belonging thereto, to be out of repair, and shall neglect effectually to repair such Pipe or Pipes, Cisterns or Cocks, so out of repair, within Twenty-four Hours after being required so to do by the said *Thomas Mottram*, his Heirs or Assigns, or his or their Agents, Servants, or Workmen; but such Separation or Stoppage shall not prevent or hinder the said *Thomas Mottram*, his Heirs or Assigns, from resorting to and pursuing the Means by this Act provided for Recovery of Rates, for any Rate then due.

Penalties for hindering or injuring the said *Thomas Mottram's* Works, or fouling the Water.

L. And be it further enacted, That if any Person or Persons shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said *Thomas Mottram*, his Heirs or Assigns, or his or their Agents, Servants, or Workmen, or any of them, in making, executing, or performing any of the Works, Matters, or Things by this Act authorized to be made, executed, or performed, or in the Fulfilment or Execution of any of the Powers and Authorities in this Act contained, or shall wilfully or maliciously let off or discharge any Water so that the same shall run waste or useless out of or from any of the Reservoirs or Pipes or Aqueducts or Cisterns hereby authorized to be made, laid, placed, or provided, or shall wilfully or maliciously break, throw down, injure, damage, or destroy any Reservoir, Pipe, Aqueduct, Cistern, Drain, Plug, Cock, Work, Matter, or Thing made or provided or to be made and provided in pursuance of this Act, or for the Purpose of the Execution of any of the Powers herein contained; or if any Person shall bathe in or wade into any of the Reservoirs or Waterworks already or hereafter to be made for the Purposes of this Act, or shall wash, cast, put, or throw any live or dead Dog or Cat or other Animal, or any Filth, Dirt, or other noisome or offensive Matter or Thing, or cause or permit or suffer the Water of any Sink, Sewer, or Drain, or any other offensive Liquid, Matter, or Thing, to run or drain or to be conveyed, into any of the said Rivulets, Springs, Reservoirs, Pipes, or Aqueducts, Drains, Soughs, or other Works, or shall foul or render noisome or impure or contaminate, or cause or procure to be fouled or rendered noisome or impure or contaminated, any Water running to or contained in any of such Rivulets, Springs, Reservoirs, Pipes, Aqueducts, Drains, Soughs, or other Works; then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and every such Person shall pay to the said *Thomas Mottram*, his Heirs or Assigns, the full Amount of the Damage occasioned by the Acts or Means in respect of which such respective Penalties shall be incurred, in addition thereto.

Penalty on Persons supplying Water to others not agreeing with Mr. Mottram;

LI. And be it further enacted, That if any Person or Persons supplied with Water by virtue or under the Directions of this Act shall supply any other Person or Persons not having agreed with the said *Thomas Mottram*, his Heirs or Assigns, to be supplied with Water from the said Waterworks, or shall wilfully permit or suffer any other Person or Persons not having so agreed to be supplied to take

take any Water, or if any Person or Persons not having so agreed to be supplied shall take or use any Water at or from any Reservoir, or any Soughs or Pipes leading thereto, or any Main Pipe, or Branch Pipe, or Service Pipe, or any Cock affixed or to be affixed to any Reservoir, Aqueduct, or Pipe made, laid, or used for the Purposes of this Act, or from any Cistern or other Receptacle for Water as aforesaid, or if any Person or Persons shall by negligently suffering his, her, or their Service Pipes or Cisterns, or the Cocks belonging thereto, to be out of repair, occasion the Water thereby supplied to run waste or useless, then and in every such Case every Person so offending as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, according to the Discretion and Decision of any Justice of the Peace for the County Palatine of *Chester*, before whom any Penalty may be recovered as herein-after provided.

LII. 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 or Fires that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay or Corn or other Produce, or any 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 the Powers or Provisions of this Act shall be liable to any Penalty for supplying any other Person or Persons with Water for the Purposes last aforesaid.

Exception
in case of
Fires.

LIII. And be it further enacted, That the said *Thomas Mottram*, his Heirs or Assigns, shall and he or they is and are hereby required, upon the carrying into and laying down any Main Pipe in any Street within the Limits of this Act, 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 where any such Main Pipe shall be laid, for the Supply of Water for extinguishing Fires; and when and so soon as any such Fire Plug shall be finished, the said *Thomas Mottram*, his Heirs and Assigns, shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each Place in the Township in which such Fire Plug shall be, wherein any Engine shall be kept for extinguishing Fires.

Requiring
Mr. Mottram
to make Fire
Plugs in the
Streets, &c.

LIV. And be it further enacted, That all the Materials of which the several Reservoirs, Aqueducts, and Waterworks made or provided for the Purposes of this Act shall be constructed, as well as the Pipes, Conduits, Fire Plugs, and other Matters and Things furnished or provided for the Purposes of this Act by the said *Thomas Mottram*, his Heirs or Assigns, or his Agents or Servants at the Expence of the said *Thomas Mottram*, his Heirs or Assigns and all the Profits, Benefit, and Advantage to arise from the said Undertaking, or under or by virtue of this Act or the Power herein contained, shall be and be considered to all Intents and Purposes vested in and be the Personal Property of the said *Thomas Mottram*, his Heirs and Assigns.

Materials,
&c. provided
to be the
Property of
Mr. Mottram.

LV. Provided always, and be it further enacted, That in case the said *Thomas Mottram*, his Heirs or Assigns, shall be desirous of raising

Power to
raise Money
by Mortgage

[*Local.*]

8 H

of the Under-
taking.

raising any Sum or Sums of Money by Mortgage of the said Undertaking, it shall be lawful for the said *Thomas Mottram*, his Heirs or Assigns, to borrow and take up at Interest such Sum or Sums of Money on the Credit of the said Undertaking, and the Profits and Advantages arising or to arise by virtue of this Act, or any Part thereof; and he and they is and are hereby authorized and empowered to assign and make over the said Undertaking, and the Rates, Profits, and Advantages arising or to arise by virtue of this Act, or any Part thereof, 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 of the Mortgagor, 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 First Year of the Reign of
‘ King *William* the Fourth, intituled *An Act* [here insert the Title
‘ of this Act], I of the Proprietor
‘ of the Waterworks authorized to be made by virtue of the said Act,
‘ in consideration of the Sum of to me paid by
‘ of do hereby bargain, sell,
‘ and assign unto the said the said Waterworks,
‘ and all and singular the Rates and Sums of Money arising and
‘ payable 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

Mortgages
may be
transferred.

And all and every Person and Persons to whom such Mortgage or Mortgages, Assignment or Assignments, shall be made, shall be equally entitled one with the other to the said Undertaking, Profits, and Advantages so to be mortgaged or 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 Date of any such Assignment, or on any other Account; and the Person or Persons to whom such Assignment or Assignments 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 or to the Effect following; (that is to say,)

Form of
Transfer.

‘ I of in consideration of the Sum of
‘ paid by of do hereby
‘ transfer a certain Mortgage made 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 entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

LVI. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed, then and in such Case the Amount of such Compensation or Satisfaction and Costs shall and may be levied and recovered by Action at Law, or by Distress and Sale of the Goods and Chattels of the Party or Person ordered to pay the same Sum or Sums of Money, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace so ordering and directing the same to be paid, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained.

In case of Nonpayment of Compensation for Damage, the same to be levied by Distress, &c.

LVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary under the Provisions of this Act, or otherwise, for any Person or Persons or Party or Parties to serve upon the said *Thomas Mottram*, his Heirs or Assigns, any Notice or Notices, Writ or Writs, or other judicial or legal Proceeding or Proceedings in Equity, the Service thereof upon any One of the Proprietors of the said Undertaking, or upon their Clerk, or left at the Office or usual Place of Abode of the said *Thomas Mottram*, or his Heirs or Assigns, or on any One of such Proprietors, or of such Clerk, or upon any Agent or Officer of the said *Thomas Mottram*, or of his Heirs or Assigns, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively upon the said *Thomas Mottram*, his Heirs or Assigns.

For Service of Notices, &c. on Mr. Mottram.

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

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

Goods and Chattels in manner directed by this Act for the levying of any Penalties or Forfeitures; and the Money so levied or recovered shall be paid to the said *Thomas Mottram*, his Heirs or Assigns, or other Person or Persons sustaining such Damage or Injury.

Justices may proceed by Summonses in the Recovery of Penalties.

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

Mode of recovering Fines and Forfeitures.

LX. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences, Matters, and Things in this Act mentioned (the Manner of levying and Recovery whereof is not herein otherwise directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace of the County Palatine of *Chester*; and any such Justice or Justices is and are hereby authorized and empowered, on Complaint to him or them for that Purpose exhibited, to hear and determine of and concerning such Offences, Matters, and Things, and to fix and mitigate the said Penalties and Forfeitures according to his or their Discretion, and the Provisions in that respect herein-before contained; and such Justice or Justices is and are hereby authorized and empowered to convict the Offender or Offenders, upon Information by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending; and in default of Payment of such Penalties and Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then 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 conveniently made to such Warrant or Warrants of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that sufficient Distress cannot be found,

found, and such Penalties and Forfeitures shall not be paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice or Justices, and he or they is or are hereby authorized and required, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, Costs and Expences, shall be sooner paid and satisfied; and all such Penalties or Forfeitures (the Application whereof is not herein-before otherwise directed) shall be paid, one Moiety to the Informer, and the other Moiety thereof to the said *Thomas Mottram*, his Heirs or Assigns.

LXI. 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 Chester, } **B**E it remembered, That on the
 ‘ to wit. } Day of in the Year of our Lord
 ‘ is convicted before me [or us] [or
 ‘ as the Case may be] 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 where committed, as the Case may be]. Given under
 ‘ my Hand and Seal [or our Hands and Seals] the Day and Year
 ‘ first above written.’

LXII. Provided always, and be it further enacted, That no Person or Persons, or Body or Bodies Politic or Corporate, shall be subject or liable to the Payment of any Penalty or Forfeiture imposed by this Act, for any Offence or Offences against the same herein-before made cognizable before any Justice or Justices of the Peace, unless Information respecting such Offence or Offences shall have been lodged before some Justice or Justices of the Peace within Three Calendar Months next after the committing of such Offence or Offences. Information to be lodged within Three Calendar Months.

LXIII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or in relation 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*, any Law, Statute, or Usage to the contrary notwithstanding. Proceedings not to be quashed for Want of Form.

LXIV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, Distress not unlawful for Want of Form.
 [Local.] 8 I on

on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relative thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity that shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Plaintiff not
to recover
after Tender
of Amends.

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

Limitation
of Actions.

LXVI. 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 where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

Justices em-
powered to
administer

LXVII. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act,
it

it shall and may be lawful to and for such Justice and Justices of the Peace to administer an Oath or Affirmation to any Person, and examine him or her thereupon, for the more certain Information of such Justice or Justices in the Matter then depending; and in case any Witness or Witnesses shall refuse to be sworn or to make Affirmation or to give Evidence before any Justice or Justices, then in each and every such Case each and every Person so offending shall forfeit and pay the Sum of Five Pounds, the same to be recovered as hereinbefore is provided for the Recovery of Fines and Forfeitures.

Oaths, and to fine in case of Witnesses not taking the same, and giving Evidence.

LXVIII. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking themselves, himself, or herself aggrieved by any Order or Determination of any Justice or Justices of the Peace made in pursuance of this Act, and not hereinbefore directed to be final and conclusive, 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 County Palatine of *Chester*, the Person or Persons appealing having first given at least Ten clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Appeal at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of any Order or Determination, and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal may be made to Quarter Sessions.

LXIX. And be it further enacted, That in case the Waterworks intended to be made or carried into effect under the Authority of this Act shall not have been completed so as to answer the Objects and Purposes of this Act within the Period of Five Years from the Day of the passing of this Act, then all the Powers and Authorities given by this Act shall thenceforth cease and determine, save only as to so much of such Waterworks as shall have been completed within such Time.

If the Works are not efficiently made in Five Years, the Powers of this Act to cease.

LXX. 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

The

The SCHEDULE to which the Act refers.

Nos. on Plan.	Description of Property.	Names of Owners or reputed Owners.	Names of Occupiers.	Parish.	Township.
<i>Reservoirs (A & B), and Feeders:</i>					
1.	Field - -	Edward Hyde Clarke	Jonathan Eyre - -	Stockport -	Hyde.
2.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
3.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
4.	Field - -	Robert Shepley -	Joseph Oldham - -	Ditto -	Ditto.
5.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
6.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
7.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
8.	Field - -	Ditto - -	James Woolley - -	Ditto -	Ditto.
9.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
10.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
11.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
12.	Field - -	Mary Barlow - -	Joseph Morton - -	Ditto -	Ditto.
13.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
14.	Field - -	Ditto - -	Ditto - -	Ditto -	Ditto.
<i>Reservoir (C), and Feeders and Conduit to the Mains:</i>					
15.	Turnpike Road	- - - -	- - - -	Stockport	{ Hyde and Werneth.
16.	Public Road -	- - - -	- - - -	Ditto	{ Ditto Ditto
17.	Field - -	John Boardman - -	Mary Woolley - -	Ditto	{ Hyde.
18.	Field - -	Ditto - -	Ditto - -	Ditto	{ Ditto.
19.	Field - -	Ditto - -	Ditto - -	Ditto	{ Ditto.
20.	Field - -	Ditto - -	Ditto - -	Ditto	{ Ditto.
21.	Field - -	Ditto - -	John Smith - -	Ditto	{ Ditto.
22.	Field - -	Ditto - -	Joseph Horsfield -	Ditto	{ Ditto.
23.	Field - -	Thomas Redfern -	Thomas Howard -	Ditto	{ Ditto.
24.	Field - -	Thomas Howard -	Himself - -	Ditto	{ Ditto.
25.	Field - -	Edward Hyde Clarke	Robert Middleton -	Ditto	{ Ditto.
26.	Field - -	Ditto - -	William Radcliffe -	Ditto	{ Ditto.
27.	Field - -	Ditto - -	Joseph Horsfield -	Ditto	{ Ditto.
28.	Road - -	- - - -	- - - -	Ditto	{ Ditto.

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