



ANNO TRICESIMO NONO

# GEORGI III. REGIS.

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## Cap. 36.

An Act for better supplying the Town and Port of *Liverpool* with Water, from certain Springs in the Township of *Bootle*, in the County Palatine of *Lancaster*. [13th June 1799.]

**W**HEREAS the Town of *Liverpool*, in the County of *Lancaster*, Preamble.  
is at present very scantily supplied with fresh Water: And  
whereas it being of great Consequence to the Inhabitants of  
the said Town of *Liverpool*, that they, and the Shipping resorting thereto,  
should have a constant Supply of fresh Water; the several Persons herein-  
after named are willing to undertake to procure and supply the same  
(upon having proper Powers and Authorities granted to them for that  
Purpose) to be brought and conveyed from certain Springs of Water  
situate, arising, and being within the Township of *Bootle*, in the said  
County of *Lancaster*, belonging to the Right Honourable *Edward* Earl  
of *Derby*, and *Edward* Lord *Stanley* his Son, who have entered into  
certain Articles of Agreement, bearing Date the First Day of *January*  
last, made between the said Earl and Lord *Stanley* of the One Part, and  
*William Woodman*, of the Commiffary General's Office, *Whitehall*, in  
the County of *Middlesex*, Esquire, *Thomas Morris*, of *London-Street*,  
*Fitzroy-Square*, in the said County of *Middlesex*, Esquire, *William Jones*,  
of *Mount-Street*, *Grosvenor-Square*, in the Parish of *Saint George Han-*  
*over-Square*, in the said County of *Middlesex*, Esquire, and *James Jones*,  
of *Little Scotland-Yard*, *Whitehall*, in the said County of *Middlesex*,  
Esquire, of the other Part; whereby the said Earl of *Derby* and Lord  
*Stanley* have agreed to grant to the said *William Woodman*, *Thomas Morris*,  
[Loc. & Per.] William

*William Jones*, and *James Jones*, a Lease or Demise of the said Springs and Premises for a Term of Years, to be perpetually renewable, at and under certain Rents, Stipulations, and Agreements, expressed in the said Agreement, and agreed to be inserted in the said intended Lease: 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 *William Woodman*, of the Commissary General's Office, *Whitehall*, in the County of *Middlesex*, Esquire, *Thomas Morris*, of *London-Street*, *Fitzroy-Square*, in the said County of *Middlesex*, Esquire, *William Jones*, of *Mount-Street*, *Grosvenor-Square*, in the Parish of *Saint George Hanover Square*, in the said County of *Middlesex*, Esquire, and *James Jones*, of *Little Scotland Yard*, *Whitehall*, in the said County of *Middlesex*, Esquire, together with such other Person and Persons as shall be nominated and appointed by all of them under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns of the said Persons herein-before named, and of such other Persons as aforesaid, are and shall be united into a Company for supplying the Inhabitants of the Town of *Liverpool*, and the Shipping resorting thereto, with fresh Water, and shall for that Purpose be One Body Politick and Corporate, by the Name and Style of *The Company of Proprietors of the Liverpool Water Works*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and that the said Company of Proprietors shall and may have Power and Authority to purchase Lands to them and their Successors and Assigns, where the same shall be necessary, for the Purposes of this Act, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that the said Company of Proprietors shall be, and are hereby authorized and empowered, by themselves, their Deputies, Officers, Agents, Workmen, and Servants, to lay any Pipes and other Conveniences under Ground from the said Springs of Water to and into the said Town of *Liverpool*, in the Line and Direction herein-after mentioned, in, by, and through any of the Highways, Roads, Passages, Streets, Common Grounds, or Places, and also in or under the back Drains of the Eastermost Banks of the Canal from *Leeds* to *Liverpool*, lying between the said Springs and the said Town of *Liverpool*, commonly called *The Back Drain*, and in the said Town of *Liverpool*, and to supply such Pipes whilst laying, and after the same shall be laid, with Water from the said Springs, according to the true Intent and Meaning of the said Articles, and to make such other Works, Buildings, Erections, and other Conveniences for the Purposes of this Act, as shall by the said Company of Proprietors, their Successors or Assigns, be deemed necessary; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands or Grounds of any Person or Persons, Bodies Politick or Corporate, or Collegiate, whatsoever, situate, lying, and being between the said Springs and the said Town of *Liverpool*, and in the said Town to survey and take Levels of the same, and to ascertain and set out such Parts thereof as shall be necessary and proper for laying the said Pipes, and for making such Works and other Conveniences aforesaid; and also from Time to Time to open, scour, cleanse, repair, and maintain such Pipes, Works, and Conveniences, and for the Purposes aforesaid, or any of them, to bore, dig, cut, trench,

Power to lay  
Pipes, and do  
other Works.

trench, fough, get, remove, take, carry away and lay Earth, Clay, Stones, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got in laying such Pipes, or in making such Works and Conveniences, or which may hinder, obstruct, or prevent laying or making the same, or the using, completing, and maintaining the same; and to use, exercise, and employ all necessary Ways and Means for conveying and bringing a sufficient Stream of fresh Water from the said Springs, Brooks, Rivulets, and Watercourses, to and into the said Town of *Liverpool*, for the Purpose of supplying the Inhabitants of the said Town, and also the Shipping belonging or resorting to the said Town, and to the Port of *Liverpool*; or the Liberties thereof, for the Time being, with so much of the said Water as may be wanted, and from Time to Time to repair, maintain, support, and continue the same, according to the Tenor and Effect, and the true Intent and Meaning hereof; and for the Purposes aforesaid, the said Company of Proprietors are hereby authorized and empowered to cleanse, scour, open, deepen, and raise the said Springs called *Bootle Springs*, and the Banks thereof, for the better supplying the said Pipes with Water from the same, and also to make, maintain, repair, and alter any Fences, Passages, Bridges, or Archès, which may be necessary for the Purposes aforesaid, or any of them, and from Time to Time to make, construct, and erect, and to repair and maintain any Cisterns, Ponds, Basons, Main Pipes, Rider Pipes, Hand Pipes, Stand Pipes, Service Pipes, Branches of Lead and other Metal, Cocks, Chamber Cocks, Cocks in Common, Stock Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Bores, Mains, Ferries, Feeders, Fanpiers, Drains, Plumps, Sluices, and other Works and Devices as they shall think proper; and for all or any of the Purposes of this Act, to break up and remove the Soil, Posts, Kirbs, Bulkheads, Bars, Sewers, Drains, Pavements, and gravelled and other Ways of any of the present and future Roads, Streets, Squares, Lanes, Passages, Alleys, publick Courts, Footways, publick Quays, Clofes, and publick Places (Market Places excepted), and to enter into and make Use of any private Lands or Grounds within the said Town and Parts adjacent, and to dig and sink Trenches, and lay Pipes, and put Stop Cocks, Chamber Cocks, Fire Cocks, Fire Plugs, and Branches from such Pipes in such Places for the laying and fixing such Pipes, and all such other Matters and Things in such Places and in such Manner as they shall judge necessary for distributing and conveying such Water to the respective Houses, Offices, and other Tenements of the said Inhabitants of the said Town, and for supplying the Shipping belonging and resorting thereto with Water; and from Time to Time, as Occasion may require, to alter the Position of, and to repair, relay, and maintain such Pipes, Stop Cocks, and Air Plugs and Machinery, and to do all other Acts, Matters, and Things, as shall from Time to Time be necessary or proper for completing and 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 hereof; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company of Proprietors making Satisfaction, in the Manner herein-after mentioned, to the Owners and Proprietors of, and all Persons interested in the Lands, Tenements, and Hereditaments respectively which shall be used for the Purposes of this Act, or injured in Value by Means of the Powers hereby granted, or

which

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 Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue hereof, subject nevertheless to such Provisoes or Restrictions as are herein-after contained.

Houfes, Gardens, &c. not to be injured.

II. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, in the making or for the laying the said Pipes or Aqueducts, or any other of the Purposes aforesaid, any House, Bridge, or other Building which was erected or built on or before the passing of this Act, or any Land or Ground which on or before that Time was set apart and used as or for a Yard, Park, Paddock, Garden, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

Publick Sewers and Drains not to be altered.

III. Provided always, and be it enacted, That the Course and Directions of the present and future publick Sewers and Drains shall not be altered or changed in their Direction, nor shall they be interfered with without Six Days Notice in Writing to the Surveyor of the Corporation for the Time being, or left at his Dwelling House, and that the Company of Proprietors shall replace and make good such Sewers and Drains as soon as conveniently may be: Provided further, That no Alteration shall be made in the present or future Tunnels used for cleansing any of the present or future publick Docks, nor shall they in anywise be interfered with without Six Days previous Notice in Writing, to be left at the Dock Office, and that such Tunnels shall be replaced and made good by the said Company of Proprietors as soon as conveniently may be.

IV. Provided always, and be it enacted, That nothing herein contained shall be construed to extend to enable the said Company of Proprietors to erect, make, or use, any Engine or Engines for the Purposes of this Act, which shall be worked by Means of Fire or Steam, except at the Head of the same Springs, within the Township of *Bootle*.

Canal not to be injured or crossed by the Works.

V. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower, or be construed to authorize or empower, the said Company of Proprietors, or any other Person or Persons whomsoever, to cut, carry, or make any Work whatsoever, for any of the Purposes aforesaid, over, across, or through the said Canal from *Leeds* to *Liverpool*, or any Part thereof, or in, to, upon, or across the Side Banks or Side Bank to the said Canal belonging, or any Part thereof, so as to injure or disturb the said Cut or Canal, or the said Side Banks or either of them, or any Bridge, Culvert, or other Work to the said Canal belonging, save only the back Drain to the said Canal belonging, and that only during such Time or Times as the Mains and Pipes therein to be laid and placed, shall be making, laying, or repairing, without the Licence and Consent of the Company of Proprietors of the said Canal, under their Common Seal, being for that Purpose first had and obtained, nor without making to the said Canal Company full Re-compence and Satisfaction for the aforesaid Liberty, and also indemnifying the said Canal Company of and from all Loss or Damage which shall

shall be occasioned by exercising such aforesaid Liberty; nor shall any Thing herein contained prevent or hinder the said Canal Company from using and exercising the several Powers to them given and granted in and by the several Acts of Parliament made touching or relating to the said Canal, or any of them, in as full, ample, and beneficial a Manner as if this Act had not been made; any Thing herein contained to the contrary thereof in anywise notwithstanding: Provided nevertheless, That it shall and may be lawful to and for the said Company of Proprietors to lay Pipes, and make Works necessary for the same, under the said Canal, and the Banks thereof, near the new Gaol at *Liverpool* aforesaid, in such Manner and at such Place as the Engineers on the Part of the said Company of Proprietors, and the said Canal Company respectively, (One of whom shall be nominated by each Company), shall judge fit and expedient, or in case they cannot agree in the Manner of laying such Pipes, or of making such Works, that then and as often as any Difference shall arise or happen, they shall be at Liberty, and are hereby authorized and empowered to choose any other Engineer, whose Determination, Umpirage, or Opinion, shall be final and conclusive in the Matters aforesaid, so as to prevent any Injury or Damage to the said Canal, or the Banks or Works to the same belonging, making to the said Canal Company due Compensation for such Liberty, and full Recompence and Satisfaction for any Expence, Injury, or Damage which shall be occasioned thereby.

Pipes may be laid under the Canal near the new Gaol.

VI. And whereas a Map or Plan, describing the Line of the said intended Aqueduct, and the Lands through which the same is intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, hath been deposited at the Office of the Clerk of the Peace for the said County of *Lancaster*, be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, and that all Persons shall at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Wills and Pleasure, paying such Clerk of the Peace or his Deputy the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, their Successors and Assigns, shall not, in laying the said Pipes for the Conduct and Conveyance of the said Water from the said Springs to *Liverpool* as aforesaid, deviate more than Ten Yards, of Three Feet each, from the said Line or Course so described in the said Map or Plan, and Book of Reference as aforesaid, without the Consent and Approbation in Writing of the Person or Persons, Body Politick or Corporate, through whose Lands or Grounds any such Deviation shall be made.

Map and Book of Reference to remain with the Clerk of the Peace.

VII. And whereas, from the rapid Progress of the Commerce and Population of the said Township of *Liverpool*, new Streets are continually laying out in the same; be it therefore enacted by the Authority aforesaid, That nothing herein-before contained shall extend, or be construed to extend, to prevent or hinder the laying out of such new Streets, and erecting of new Buildings therein, although the doing of the same may

Pipes to be altered in case of new Buildings.

[*Loc. & Per.*]

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interfere

interfere with or interrupt any Part or Parts of the said intended Conveyance of Water from the said Springs, but that the several Proprietors and Owners of all the Lands lying within the said Town of *Liverpool*, shall, after and upon Six Calendar Months previous Notice in Writing, to be by them respectively given to the Treasurer for the Time being of the said Company, in order that such Company may have full Time and Opportunity to alter and change the Course of their Main Pipe, be at full Liberty to proceed in laying out such new Streets, and erecting such new Buildings; provided, that in such Removal or Alteration of the Line of the Mains and Pipes, the said Company of Proprietors are not thereby prevented from supplying the Inhabitants and Shipping with Water, according to the true Intent and Meaning of this Act; any Thing herein contained to the contrary in anywise notwithstanding.

Satisfaction  
for Damages.

If Parties dis-  
agree, or in  
case of de-  
fective Title,  
Damages to  
be settled by  
a Jury.

Challenges.

VIII. And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors and Assigns, shall and do make or tender Satisfaction to the Owners and Occupiers of, and Persons interested in any Lands, Grounds, Tenements, or Hereditaments which shall be wanted for any of the Purposes of this Act, before they shall in anywise make use of the same, and also for any other Lands, Grounds, Tenements, or Hereditaments which shall be damaged in the Execution or by virtue of any of the Powers aforesaid, for the Lands, Grounds, Tenements, or Hereditaments so to be taken, used, or damaged; and in case the Parties shall not agree touching the Amount of such Satisfaction, within the Space of Twenty Days after Application shall have been made for that Purpose, by or on Behalf of the said Company of Proprietors, their Successors and Assigns, to the respective Owners and Occupiers of, and Persons interested as aforesaid, then and in every such Case, the same shall be enquired of and ascertained by a Jury at the next General Quarter Sessions of the Peace for the County of *Lancaster*, or at some Adjournment thereof to be held at *Ormskirk* or *Wigan*, as the Case may happen; and the Justices at such Session, or such Adjournment thereof, shall, and are hereby authorized and required, upon Application made to them for that Purpose, by or on Behalf of the said Company of Proprietors, their Servants or Agents, (Eight Days previous Notice of such Application being given by the said Company of Proprietors, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their then usual Place or Places of Abode, or with some Tenant or Occupier of some of the said Lands and Hereditaments intended to be valued and assessed, in case such Party cannot otherwise be found out to be conveniently served with such Notice), to charge a Jury to be impanelled and returned by the Sheriff of the said County, without Fee or Reward, consisting of Twenty-four substantial and disinterested Persons, qualified to serve on Juries upon the Trial of Issues at Law, and to cause Twelve of them to be sworn, well and truly upon their Oaths to enquire into and ascertain the Value of the Land or Ground to be taken or used, or the Damage to be done to any private Land or Ground as aforesaid, to which Jury any of the Parties shall have their lawful Challenges when they come to be sworn; and any Justice of the Peace for the said County is hereby empowered, upon Application made to him by any of the Parties interested, by Warrant under his Hand and Seal, to call before the Justices at such Session, or the Adjournment thereof, any Person or Persons who shall be thought proper

proper to be examined touching the Premises; and the said Jury upon their Oaths (which Oaths, and also the Oaths to be taken by the Persons who shall appear to be examined and give Evidence as aforesaid, any One of the said Justices is hereby empowered and required to administer) shall enquire into, and ascertain and award the Sum or Sums of Money, or Annual Rent to be paid for the Use hereby authorized to be made of such Lands or Grounds, in or under which such Pipes for conveying Water from the said Springs shall be laid, and the Recompence to be made for the Damages that may or shall be sustained in or about the making, laying, and repairing the same as aforesaid, and shall also enquire into, ascertain, and award the Sum or Sums of Money to be paid for the Purchase of any Lands or Grounds which may be used for any other of the Purposes of this Act, and in so doing, the Jury shall take all Circumstances into Consideration which may tend to shew the Value of such, or the Injury the Owner thereof may sustain, by the Exercise of any of the Powers in this Act contained, and the said Justices shall thereupon give Judgement according to the Verdict of such Jury; which Verdict of the said Jury, and Judgement thereupon delivered and pronounced by the said Justices, shall be binding and conclusive, to all Intents and Purposes whatsoever, upon the said Company of Proprietors, their Executors, Administrators, or Assigns; and all and every Person and Persons, Bodies Politick and Corporate, claiming any Estate, Right, Title, Trust, Use, or Interest into or out of the said Lands, Hereditaments, and Premises, or otherwise interested therein, either in Possession, Reversion, Remainder, or Expectancy, as well against the King's most Excellent Majesty, his Heirs and Successors, as against Infants and Issue unborn, Lunatics, Idiots, and Females Covert, and Persons under any other legal Incapacity or Disability; and all Trustees and Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the aforesaid Verdicts and Judgements, and other Proceedings of the said Court and Juries; so to be made, given and pronounced as aforesaid, shall be entered and kept amongst the Records of the Quarter Session of the said County, and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said County, shall be deemed and taken as good Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse thereto, and may take Copies thereof, or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature; and immediately upon Payment by the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, of the respective Sums of Money which shall be agreed upon or ascertained by a Jury, as the Value of any Land or Ground to be taken or made use of as aforesaid, to the respective Persons entitled thereto, or their Agents, and Entry of such Verdicts, Judgements, Orders, and Proceedings of the said Justices and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, both at Law and in Equity, of the Person or Persons to whom or for whose Use such Money shall be paid, of, in, to, and out of the said Lands, Hereditaments, and Premises, shall become and be absolutely vested in the said Company of Proprietors, and their Successors, Executors, Administrators, and Assigns for ever, free from all Right, Interest, or Claim of any Person whomsoever, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually, as if every Person having or claiming, or pre-

Verdict of  
Jury binding

On Payment  
of Money,  
Premises to  
vest in the  
Company.

tending

tending to have or claim any Estate or Interest whatsoever in the Premises, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine, Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Claim, and Demand of the Person or Persons to whose Use such Payment shall be made, but also shall extend to, and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail in Possession, Reversion, or Remainder, and the Issue or Issues of such Person or Persons, and every Person claiming under them, as effectually as a Fine or Recovery, or either of them would do, if levied or suffered by the proper Parties in due Form of Law, and shall also extend to, and be deemed and construed to extend to bar the Right, Title, Interest, Use, Claim, and Demand whatsoever; in Possession, Reversion, Remainder, or Expectancy, of any other Person or Persons whomsoever, in, to, or out of such Lands and Hereditaments, and every Part thereof; and the said Company of Proprietors, and their Successors, Executors, Administrators, and Assigns, and those claiming from, by, and under them, shall be quieted in the Possession thereof; any Law, Statute, Usage, Matter, or Thing whatsoever to the contrary notwithstanding.

Bodies Politick, &c. empowered to sell and convey.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or Feoffees in Trust, Guardians and Committees for Lunatics and Idiots, Executors, Administrators, and Guardians whomsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seized in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seized and possessed of, or interested in any Lands or Hereditaments which shall be necessary to be purchased for the Purposes of this Act; to sell and convey all or any such Lands, Tenements, Hereditaments, Estates, and Interests, or any Part thereof, to the said Company of Proprietors; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be made by such Persons as aforesaid, shall be good and valid in Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all such Persons so conveying as aforesaid shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, notwithstanding any Omission or Mistake, or Matter of Form whatsoever.

Money paid for Lands belonging to Corporations, etc. to be re-invested.

X. And be it further enacted, That the Money to be paid as a Re-compence for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purpose of this Act, of any Corporation, Feme Covert, Infant, Lunatick, or Person under any other legal



legal Disability or Incapacity, shall, in case the same be not less than One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations, as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation, or other Person as aforesaid, so to be purchased, taken, or used as aforesaid, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Company of Proprietors of the *Liverpool* Water Works, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twenty-fourth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills, and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found, and until the same shall, upon Petition, to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled, be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed to be reinvested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises which shall be purchased from them respectively by the said Company of Proprietors, were respectively settled, limited, or assured to, upon, or subject to at the Time of purchasing the same, or such of them, as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Person or Persons as last aforesaid, in some of the publick Funds, or on Government or real Securities, in their Names, and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and

[*Loc. & Per.*]

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Profits

Profits of such Lands, Tenements, or Hereditaments so to be purchased, if the same were purchased, conveyed, and settled in pursuance of this Act.

Owners of  
Lands, etc.  
to convey on  
Payment of  
Money.

In case of  
Refusal or In-  
ability to  
make a good  
Title, etc.  
the Purchase  
Money to be  
paid into the  
Bank.

Justices may  
in such Case  
order the  
Money to be  
paid into the  
Bank:

XI. And be it further enacted and declared by the Authority aforesaid, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged, the Person or Persons to whom the same shall be so awarded for the Purchase of the said Lands or Hereditaments, or for the Purchase of any Estate or Interest therein, shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law, to the said Company of Proprietors and their Successors, or to such Person or Persons as the said Company of Proprietors shall order, direct, or appoint, of the said Lands or Hereditaments, or of such Estate or Interest for which such Sum or Sums of Money shall be so awarded, and shall procure all necessary Parties to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make a good, clear, and perfect Title to the said Company of Proprietors, or the Person or Persons so by them in that Behalf to be appointed as aforesaid, and such Conveyances, Assignments, and Assurances shall contain all such reasonable and useful Covenants, as on the Part of the said Company of Proprietors, or of the Person or Persons so by them in this Behalf to be appointed as aforesaid, shall be reasonably required; and in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, shall not be able to evince their Title to the said Premises, or to make or procure to be made such good, valid, and legal Conveyances thereof as aforesaid, or shall refuse so to do being thereto required, and such Sum or Sums of Money so assessed and awarded as aforesaid being tendered to be paid to him, her, or them, on his, her, or their making such Title, and executing and procuring to be executed such Conveyances, Assignments, or Assurances as aforesaid, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found within the County of *Lancaster*, or in case by Reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear what Person or Persons is or are entitled to the Premises in question; then and in every such Case it shall and may be lawful to and for the said Justices to order the said Sum or Sums of Money so assessed or awarded as aforesaid, as and for the Value of the Purchase Money for the said Lands and Hereditaments, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General, to be placed to the Credit of the Parties interested in the said Premises, subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what Premises, and  
for

for whose Use the same is or are received, to such Person as shall pay any Sum or Sums into the Bank as aforesaid.

XII. And be it further enacted, That whenever a Jury shall be summoned, and a Verdict shall be given for Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Waters, Hereditaments, or Property of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Premises, than had been previously offered by or on Behalf of the said Company of Proprietors before the summoning of the said Jury, or where any Verdict shall be found for any Damages, where the Dispute shall be for Damages only, and where no Compensation shall have been previously offered or tendered in respect thereof, by or on Behalf of the said Company of Proprietors, or where by reason of any Impediment or Disability as aforesaid, there shall not be found any Person or Persons who may be legally capacitated to enter into Contract with, and make Conveyances to, or receive Compensations from the said Company of Proprietors as herein-before mentioned, then and in all such Cases the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Court of Session, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum that had been previously offered by or on Behalf of the said Company of Proprietors, or in case no Damages shall be given by the Verdict, when the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any other Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Court of Session, and be borne or paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed, and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged.

Expences of summoning the Jury to be defrayed by the Company, if the Money be more than shall have been offered by them.

But if any Verdict for same Sum, etc. to be paid by the Persons entitled to the Lands, etc.

XIII. And be it further enacted by the Authority aforesaid, That all Bargains and Sales whatsoever to be made and acknowledged by any Person or Persons whomsoever, and which shall be inrolled in the said Court of Quarter Session for the said County, or in any of His Majesty's Courts of Record at *Westminster*, of any such Lands and Hereditaments as shall be purchased by virtue of and for the Purposes of this Act, shall have the same Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever would have, if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seized of any Estate in the Premises, to the Use of or in

Bargains and Sales inrolled under this Act, to have the Effect of Fines and Recoveries.

in Trust for such Bargainor or Bargainors, in any legal Manner or Form whatsoever.

As little Damage to be done as may be, and no Mill to be injured without the Owner's Consent.

XIV. Provided always, That in the Exercise of any of the Powers aforesaid, as little Damage shall be done to any Ground or other Property as may be; and that the Workmen employed in laying or repairing any such Pipes, shall fill in the Trenches, and make good the Pavements and Roads situate in the several Townships of *Booile* and *Kirkdale*, and carry away the Rubbish occasioned thereby, as soon as conveniently may be, and in the mean Time guard the Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages; and that no Mill or Mills now standing or being on the said several Streams or Brooks, and Rivulets herein-before mentioned, or any of them, shall be impaired or injured by diverting too great a Quantity of Water therefrom, without the Consent of the Owner or Owners thereof, other than and except the Paper Mills adjoining to the said Springs belonging to the said Earl of *Derby*, and in the Occupation of the Assignee or under Lessee of *James Appleton* and *William Singleton*, with respect to which it shall be lawful for the said Company of Proprietors to divert the said Water as they shall think proper, making such Compensation to the Lessees thereof, as mentioned and provided in that Behalf in and by the said Articles of Agreement entered into between the said Earl of *Derby* and *Edward Lord Stanley*, and the said Company of Proprietors, or some of them, as aforesaid.

Inhabitants empowered to set Pipes from their Houses to communicate with those belonging to the Company.

XV. And be it further enacted, That such of the Inhabitants of the said Town of *Liverpool* as shall be desirous of having the Water laid into their Houses or Offices, may and are hereby authorized and empowered, at their own Expence (having first obtained the Consent in Writing under the Hand of such Person as shall be authorized by the said Company of Proprietors under their Common Seal to give such Consent) to open the Ground between the Company's Pipes and the respective Houses, Brewhouses, or Offices of such Inhabitants, and to lay Leaden Pipes (the Bore thereof to be ascertained by the said Company) from such respective Houses, Brewhouses, or Offices, to communicate with the said Company's Pipes in any Road, Street, Lane, Passage, or Place within the said Town of *Liverpool*, such respective Inhabitants of the said Town of *Liverpool*, and Places adjacent, paying to the said Company of Proprietors, Yearly, Quarterly, or Monthly, such Sum or Sums of Money for such Water as shall be mutually agreed upon between them; and in case of Default in Payment of any such Sum or Sums of Money so to be paid as aforesaid, it shall be lawful for the said Company to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with any main Pipe or Pipes belonging to the said Company, to be separated from the Pipe or Pipes with which the same shall so communicate, and to cause the Water to be stopped from issuing or running into the House or Office of every Person making such Default; and that the Sum and Sums of Money which shall be due and in Arrear from such Person or Persons to the said Company of Proprietors, and their Successors, shall and may be recovered by the said Company by Distress and Sale of the Goods and Chattels of the Persons liable to pay the same, in the same Manner as Rents reserved on common Demises may by Law be recovered; and if any Person shall lay

or cause to be laid any Leaden or other Pipe to communicate with any main Pipe or other Pipe belonging to the said Company of Proprietors, without such Consent being obtained as aforesaid, every such Person shall forfeit and pay to the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, the Sum of Ten Shillings for every Day such Pipe shall so remain: Provided always, That such Inhabitants of the Town of *Liverpool* as shall have laid Leaden Pipes as aforesaid, shall be at Liberty to remove and take away the same Pipes, and the Cocks to the same Pipes belonging.

XVI. Provided always, and be it further enacted, That any Ground which shall or may be opened or broken up, for laying, taking up, or repairing any Pipe within the said Town by virtue of this Act, shall by the said Company and Occupiers respectively be filled in, and the Rubbish occasioned thereby carried away as soon as conveniently may be, and in the mean Time shall be fenced or guarded so as that the same may not be dangerous to Passengers, and that Notice in Writing shall be given by such Company and Occupiers respectively, immediately upon the said filling in, to the Surveyor for the Time being of the said Corporation, or left at his Dwelling House, in order that the Pavement and Ground, and all Things that shall have been removed, shall be made good as soon as conveniently may be by the said Corporation, at the Expence of the said Company, in the Case of the said Ground being opened for laying, taking up, or repairing any Main Pipe, and at the Expence of the respective Occupiers opening the said Ground, for laying, taking up, or repairing any Communication Pipe, who are hereby respectively required to pay and discharge all fair and reasonable Costs, Charges, and Expences attending the same; respecting which Charges, if there should be any Dispute between the Surveyor of the Corporation and the said Company of Proprietors, or between the Surveyor of the said Corporation or the respective Occupier or Occupiers, that then the same Charges shall from Time to Time be ascertained by a Justice of the Peace for the said County of *Lancaster*, which Justice shall not be One of the Common Council of the Corporation of the said Town of *Liverpool*, nor One of the Proprietors of the said Company; and in case such Costs, Charges, and Expences shall remain unpaid for the Space of Forty Days next after the Day on which the same shall be demanded by or on Behalf of the said Corporation from the said Company, or their known Officer or Agent, or the said Occupiers respectively, as the Case may be, the same shall and may be recovered by the said Corporation from the said Company, or from any One or more of them, or the said Occupiers respectively as the Case may happen: Provided further, That if there shall be any wilful or negligent Delay in any of the Agents of the said Company, or in any of the said Occupiers, in taking up or repairing any of the said Main Pipes, or any of the said Communication Pipes, or in filling in or removing the Rubbish thereby occasioned, that then and in every such Case the said Company's Agents and Occupiers respectively shall forfeit the Sum of Five Pounds, to be applied to the Use of the Poor of the Parish of *Liverpool* aforesaid, and to be sued for, recovered, and levied by the same Ways and Means as are by this Act in the Case of other Penalties directed: Provided further, That in case the Surveyor to the said Corporation for the Time being shall neglect to deliver to the said Company of Proprietors, or leave at the Company's Office in the said

Rubbish to be removed in laying or repairing Pipes.

Town of *Liverpool*, the Account of such Charges and Expences within Six Calendar Months after the same shall have accrued, the said Company of Proprietors shall not be bound or obliged to pay the same.

Penalty on  
Persons inter-  
rupting the  
Workmen.

XVII. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt the said Company of Proprietors, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending, for every such Offence shall forfeit and pay to the said Company of Proprietors, or to the proper Person or Persons by them authorized in that Behalf, any Sum not exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption, such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty on  
Persons in-  
juring the  
Works.

XVIII. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Prejudice of the said Cut, Leat, or Trench, or the Works thereof, break, throw down, damage, or destroy any Works to be erected and made by virtue of this Act, or destroy, damage, or injure any Engine, Waterhouse, Reservoir, Pipe, Plug, or other Matter or Thing which shall be made, provided, or procured, for the Purposes of this Act, or any of the Materials used or provided for the same, every such Person shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Twenty Pounds, and also the full Amount of the Damage, which shall be recovered in like Manner as the said Penalty is hereby authorized to be recovered.

Penalty on  
annoying the  
Water.

XIX. And, in order to preserve the Water to be conveyed into the said Town of *Liverpool*, and Parts adjacent, clean and wholesome, be it further enacted, That no Person shall bathe in any Part of the said Leat, Cut, or Trench, or in any of the said Reservoirs or Ponds, or wash any Dogs or other Animals therein, or shall cast, throw, or put any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, or wash or cleanse any Cloth, or any Wool, Leather, or any noisome or offensive Thing, or in any of the said Reservoirs or Ponds, or cause, permit, or suffer, the Water of any Sink, Sewer, or Drain to run or be conveyed into the same, or into any of the said Reservoirs or Ponds, or cause any other Annoyance to be done to the said Water thereof, or wash or cleanse the Skins of any Sheep, Lambs, or other Animals therein, upon Pain of forfeiting to the said Company of Proprietors, for every such Offence, any Sum not exceeding Five Pounds.

Water may  
be used for  
extinguishing  
Fires.

XX. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for any Person and Persons whatsoever, at all Times, to use and employ the Water which shall so as aforesaid be contained in the said Pipes or Aqueducts, in the extinguishing of any Fire or Fires which may happen to any House or Building within the said Town, or which may happen to any Ship or Vessel lying in any of the present or future Docks or Basons of the said Town, without making any Compensation or Satisfaction for the same to the said Company of Proprietors, or any other Person or Persons whomsoever; and that pro-  
per

per Fire Plugs, with painted Directions or Marks on the Houses and Buildings in the said Town, shall be provided at the Expence of the said Company of Proprietors, the Number and Situations of which shall be fixed by the Surveyor of the said Corporation for the Time being, and the Engineer of the Company of Proprietors for the Time being, which Two Persons shall name a Third Person, and the Determination of any Two of such Persons shall be final therein; any Thing herein-before contained to the contrary notwithstanding.

XXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make and erect proper and convenient Pipes standing upright in the Likeness of Pumps, to be erected and set up, of any reasonable Height, against any adjoining Building, Wall, or Fence of the Quays and Wharfs in the said Town of *Liverpool*, in such Situation as such Company shall deem convenient for the more convenient Supply of the Shipping resorting to the said Town and Port of *Liverpool* with Water; and also in like Manner and for the like Purpose (the Consent of the Trustees of the said Docks having been previously obtained) from Time to Time to make and erect proper and convenient Pipes standing upright in the Likeness of Pumps, on such Parts of the said Quays and Wharfs as such Dock Trustees shall from Time to Time limit and appoint; and that the said Company shall, from Time to Time, at their own Expence, remove and take away such upright Pumps within Forty Days after Notice to their Engineer for that Purpose by the Treasurer of the said Docks from Time to Time to be given, and that in Default of their so doing, that then the Trustees of the said Docks shall have Power to remove the same at the Expence of the said Company of Proprietors, such Expence to be recoverable by Action, in the Name of the said Corporation of *Liverpool*, against the said Company of Proprietors, or against any One of them.

Power for the Company to erect upright Pipes.

XXII. And be it further enacted, That the Property of and in the said Undertaking, and the Profits arising therefrom, after deducting the Money laid out in obtaining and passing this Act, and of making the different Surveys and Plans of the said Cut, Leat, or Trench, and of the Lands and Grounds through which the same is intended to be carried as aforesaid, and all other incidental Costs, Charges, and Expences whatsoever, touching or concerning the same in anywise howsoever, which shall be respectively borne, paid, and defrayed by the said Company of Proprietors, or their Successors, Executors, Administrators, or Assigns, is and are hereby vested in the said Company of Proprietors, and they shall severally and respectively be entitled thereto, in such Shares and Proportions, and with, under, and subject to such Clauses, Covenants, Conditions, Provisoes, Agreements, and Restrictions, and in such Manner as have already, and shall hereafter, be agreed upon.

Property of the Undertaking vested in the Company of Proprietors.

XXIII. Provided always, and be it further enacted, That if any Inhabitant of the said Town of *Liverpool*, or any other Person or Persons whomsoever, supplied with Water by virtue of this Act, shall supply any other Inhabitant thereof, or any other Person whomsoever with any Part of such Water, that in every such Case every Person so offending shall, for every such Offence, forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, to be recovered in like

Persons supplied with Water under this Act, not to supply any other Persons with Water;

Manner.

Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered; and it shall also be lawful for the said Company of Proprietors, if they shall so think fit, also to take off the Water from the House or Office of any Person so offending for every such Offence.

except those whose Pipes shall be broke, the same being repaired as soon as possible.

XXIV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whomsoever, supplied with Water by virtue of this Act, to any Penalty or Forfeiture for supplying any other Person or Persons also supplied with Water by virtue of this Act, with any Quantity of such Water, during such Time that the Pipes or Cocks of such last mentioned Person shall or may happen to be out of Repair, such Pipes or Cocks nevertheless being repaired as soon as possible after any Damage shall happen thereto.

The Rights of the Corporation under 26 Geo. III, saved.

XXV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to deprive or hinder the Common Council for the Time being of the said Town, from using and exercising all and every the Powers and Authorities given to them by an Act of Parliament passed in the Twenty-sixth Year of the Reign of His present Majesty, of altering the Levels of all or any of the Streets and publick Highways and Passages in the said Town, and also of altering the Course and Disposition of all and every the present Common Sewers within the said Town, and of making new and other Common Sewers in and through such of the Streets and publick Highways and Passages of the said Town, as they shall judge proper and expedient, with the like Power of altering their Course and Direction, nor from having, using, and exercising all and every other the Rights, Powers, and Authorities by the same Act in such Common Council for the Time being vested, as fully, to all Intents and Purposes, as if the present Act had not been made, nor shall hinder or prevent the Corporation of the said Town, and also the Common Council for the Time being of the same Town, from having, using, and exercising all and every the Rights, Powers, and Authorities in them already vested by any other Act or Acts of Parliament whatsoever, as fully, to all Intents and Purposes, as if the present Act had not been made; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Recovery of Forfeitures and Penalties.

XXVI. And be it further enacted, That all Penalties or Forfeitures by this Act imposed, which shall exceed the Sum of Five Pounds, shall and may be recovered by Action, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoin, Privilege, Protection, Wager of Law, or more than One Imparlance shall be granted or allowed, and that all Penalties or Forfeitures by this Act imposed, which shall not exceed the Sum of Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place where such Person or Persons shall be or reside, which Warrant every such Justice is hereby empowered and required to grant, upon the Information or Testimony of any credible Witness upon Oath, which Oath every such Justice is hereby empowered and required to administer, and the Overplus (if any) arising by such Distress and Sale, shall be rendered,



dered, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting thereout the Charges and Expences of such Distress and Sale; and in case sufficient Distress cannot be found, or such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice to cause the Person or Persons liable to the Payment of such Penalty or Forfeiture, to be committed to the Common Gaol, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the same be sooner paid and satisfied.

XXVII. And, for the more easy and speedy Conviction of Offenders against this Act, 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 following Form; (*videlicet*),

‘ **BE** it remembered, That on the Day of Form of Conviction.  
 ‘ in the Year of our Lord  
 ‘ is convicted before me  
 ‘ One of His Majesty’s Justices of the Peace for the County of  
 ‘ [specifying the Offence or Omission, and the Time and  
 ‘ Place when and where committed, as the Case may be.] Given under  
 ‘ my Hand and Seal, the Day and Year first above written.’

XXVIII. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Thing done in pursuance of this Act, every such Person may, within Three Calendar Months after the doing thereof (first giving Six Days Notice of such Intention to appeal, to the Person or Persons against whom such Appeal is intended to be made) appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the said County of *Lancaster*; and the said Justices in their said Quarter Sessions shall, in a summary Way, either hear and determine the said Complaint, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions to be held, and then hear and determine the same, and if they see Cause, may mitigate any Forfeiture in such Manner as they shall think proper, and award such Costs to either of the Parties as they shall judge reasonable, and their Determination therein shall be final and conclusive. Appeal to the Quarter Sessions.

XXIX. And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by any such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case. Distress not to be deemed unlawful for Want of Form.

XXX. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespas, or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed Plaintiff not to recover, if Amends tendered.  
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any such Irregularity, Trespafs, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Order and Judgement shall be had, made, or given, in and by such Court, as in other Actions where the said Defendant is allowed to pay Money into Court.

Order of Justices not to be quashed for Want of Form, nor to be removable by Certiorari.

XXXI. And it is hereby also enacted, That no Order which shall be made by any Justice or Justices by virtue of or under this Act, or any other Proceeding to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Limitation of Actions.

XXXII. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premises, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of *Lancaster*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants are entitled to for Costs of Suit in other Cases by Law.

General Issue.

The Undertaking to be completed in Three Years.

XXXIII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall not have conducted and brought the said Stream of Water to the Town of *Liverpool* within the Space of Three Years next after the passing this Act, then this Act, and the several Powers and Authorities hereby created, shall be void and of no Effect.

Publick Act.

XXXIV. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act, and all Justices and other Persons are hereby required to take Notice thereof as such, without specially pleading the same.

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