



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 27.

An Act for better supplying the Inhabitants of the Town and Township of *Colne*, in the County Palatine of *Lancaster*, with Water.

[5th May 1806.]

WHEREAS the Inhabitants of the Market Town of *Colne*, in the County Palatine of *Lancaster*, and the Houses situate within the Township of *Colne*, near to the said Town, are scantily and very inconveniently supplied with Water from Springs which have usually been resorted to for that Purpose, rising in certain inclosed Grounds, and especially a Spring called *Cook Well*, otherwise *Cook's Well*, rising within the said Township: And whereas the said Springs, and certain other Springs rising within a certain Distance of the said Town, rise upon lower Levels than the said Town and Houses, which stand on a Situation elevated above the Country lying near thereto, and therefore the Water of the said Springs cannot be conveniently conveyed into the said Town; but the Water of the said Spring, called *Cook Well*, otherwise *Cook's Well*, might be conveyed nearer thereto than where the same rises and hath been usually taken: And whereas the said Town and Township are become very populous, and are greatly increased in Houses and Buildings; and the Inhabitants thereof, as they are at present supplied with Water, are liable to great Danger, and the most calamitous Consequences, from Accidents by Fire, for want of a better Supply of Water,

[*Loc. & Per.*]

6 A

and

Proprietors.

Incorporated.

and the same might be obtained, partly by conveying the Water of the said Spring, called *Cook Well*, otherwise *Cook's Well*, nearer to the said Town, but principally from a Spring called *Cold Well*, rising at or near a Place called *Flas*, within the said Township, in Land belonging to *Thomas Parker Esquire*, and in Waste Land adjoining thereto, and running into and through such Waste Land lying contiguous and open to the Publick Highway or Turnpike Road leading from *Colne* aforesaid, towards *Brayford*, in the County of *York*, and the said last-mentioned Spring hath been usually resorted to, and the Water thereof taken by such Persons as have thought fit, and the Water of the said Spring rises upon a Level so high that it might be conveniently conveyed by Pipes into the said Town: And whereas the Works which will be necessary to be made for better supplying the said Town and Township with Water from the aforesaid Springs will be attended with considerable Expence; and the Persons herein-after named are willing and desirous, at their own Expence, to undertake the said Works, and to make and lay, repair and continue, such Wells, Reservoirs, Cuts, Drains, Aqueducts, Pipes, and Conveniences, as may be requisite and proper for the Purposes aforesaid; but the same cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Littlewood Andrew, James Ayrton, Robert Atkinson, George Atkinson, John Bolton, John Barker, Thomas Clayton, Barnard Crook, Edward Demain, Christopher Edmondson, Mary Foulds, John Hartley Clerk, John Hartley, John Hargreaves, Catherine Hargreaves, Jude Hargreaves, John Hitchon, John Halstead, Edmondson Hargreaves, Christopher Lister, William Midgley, James Oddie, Thomas Parker, John Petty, Robert Parkinson, Nathan Pickels, John Robertshaw, Richard Sagar, Oates Sagar, John Smith, John Smithson, Richard Shackleton, Thomas Smith, John Spencer, John Thornber, John Tillotson, Robert Thompson, Thomas Wilkinson, Thomas Wilkinson, Ambrose Walton, William Wilkinson Clerk, John Watson, and Robert Waddington*, together with such other Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares in the said Undertaking, and the Successors, Executors, Administrators, and Assigns; of the said several Persons, and such other Persons as last mentioned, who shall become possessed of their respective Share or Shares, or any of them, shall as and when they become so possessed, be, and they are hereby united into a Company for making, completing, maintaining, and continuing the Works and Conveniences hereby authorized to be made according to the Provisions herein-after contained, and shall for that Purpose be one Body Politick and Corporate, by the Name of "The Company of Proprietors of *Colne* Waterworks," and by that Name shall have perpetual Succession, and a Common Seal; and shall and may sue and be sued; and shall also have full Power to purchase and become seised and possessed of Lands and Tenements, to hold to them, their Successors, and Assigns, for the Use of the said Undertaking, and without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

General Meetings of Company to be holden, and

II. And be it further enacted, That for the better managing and conducting the Affairs of the said Company, and the Business of the said Undertaking, General Meetings of the said Company of Proprietors shall from

from Time to Time be holden, and such Managers, a Treasurer, and Clerk, and such other Officers as shall be thought necessary by the said Company, shall be from Time to Time appointed by the said Company in such General Meeting assembled, with such Authority over the Concerns of the said Company, and subject to such Orders, Provisions, Regulations, and Directions, for their Conduct and Removal, and Re-appointment of them or others in their Stead, as shall from Time to Time be made and entered into by the said Company so as aforesaid assembled; and the Treasurer, Clerk, and other Officers of the said Company (exclusive of Managers), shall be allowed such Salaries and Compensation for their Trouble and Expences, and the Treasurer and other Officers of the said Company who shall have the Care or Custody of Money belonging to the said Company, shall give, and the said Company shall take from them, such Security and Securities from Time to Time for the due Discharge and Execution of the Duties of such their respective Offices, and for the Money that may happen to come to or be in their Hands as such Officers, or belonging to the said Company, and such Officers shall enjoy their said Offices upon such Terms and Conditions, as shall be ordered by the said Company so as aforesaid assembled; and the said Company of Proprietors so as aforesaid assembled shall have Power and Authority from Time to Time to make such Rules, Bye Laws, and Orders, for the good Government of the said Company and their Concerns, and the Conduct, Duty, Authority, Regulation, and Government of their Managers, and other Officers, Servants, Agents, and Workmen, in all Respects (and which Rules, Bye Laws, and Orders, shall accordingly be binding upon them), and for the Superintendance and Management of the said Undertaking, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Bye Laws, and Orders, not exceeding the Sum of Five Pounds for any One Offence; and from Time to Time to alter or repeal the said Bye Laws, Rules, Orders, and Regulations, Fines, and Forfeitures, as to the said Company so assembled shall seem meet; which said Rules, Bye Laws, and Orders, being reduced into Writing, and entered in the Order Book of the said Company, and authenticated by the Common Seal thereof, and also printed, shall be binding upon and allowed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them, and such Bye Laws, Rules, Orders, and Regulations; and any Alteration thereof shall be subject to Appeal as hereinafter mentioned.

Managers and Officers to be appointed.

Security to be taken from Officers.

Powers of General Assemblies.

May make Bye Laws.

III. And be it further enacted, That the said Company of Proprietors shall have Power from Time to Time to make, or cause to be made, such Call or Calls for Money upon the Subscribers to and Proprietors of the said Undertaking, their Executors or Administrators, to pay to the said Treasurer to the said Company for the Time being, all or any Part or Parts of the Money subscribed, and engaged to be paid by them respectively, for the Purpose of defraying the Expences of obtaining this Act, and of making Surveys, and taking other Measures preparatory or relating to the said Undertaking, and of carrying on the Concerns of the said Company as shall from Time to Time be found wanting and necessary for

Calls for Subscription Money.

for those Purposes, upon such Notice, and to be paid at such Times and Places, and in such Manner and Form, and under the Penalty of the Subscriber or Subscribers, Proprietor or Proprietors, neglecting to comply with such Call or Calls, forfeiting his, her, or their Share or Shares upon such Notice, and Omission in Payment, and in such Manner and Form, as shall from Time to Time be ordered by the said Company assembled at a General Meeting; and such Share or Shares so forfeited, and all the Profits and Benefits thereof, shall be vested in the said Company of Proprietors, exclusive of the Person so forfeiting the same, in Proportion to their Shares, or shall be sold for the Benefit of the said Proprietors, in such Proportion as aforesaid, exclusive of such Person or Persons so forfeiting, according as shall be ordered by the said Company in General Meeting assembled; but no Advantage shall be taken of any Forfeiture of any Share until the same shall have been declared to be forfeited by the said Company at a General Meeting assembled; and the said Company of Proprietors assembled at such General Meetings shall have Power to adjourn themselves, and such General Meetings, and order such future General Meetings of the said Proprietors to be holden from Time to Time, to and at such Place or Places as shall at any such General Meeting be thought proper and convenient; and every Question, Order, Matter or Thing, which shall be proposed, discussed, or considered by the said Company so assembled by virtue of this Act, shall be determined by the Majority of Votes of Proprietors then present, and of Votes given by Proxy of Proprietors absent, under the Authority in Writing of such absent Proprietors, under their Hands, appointing such Proxy or Proxies, being a Proprietor or Proprietors, and which Vote or Votes by Proxy or Proxies shall be effectual to the same Purport and Extent as if given by the Proprietors respectively and personally appointing such Proxy or Proxies, and every Proprietor being to be considered on all Occasions as possessed of and entitled to give in Person or by Proxy so many Votes as he or she shall possess Shares in the said Concern; and if such Votes shall be equal, the Chairman presiding at such Meeting shall have the casting Vote as such Chairman, although he shall have given his Vote or Votes as a Proprietor; and every Question, if required by any Five or more Persons having collectively Ten Votes, shall be determined by Ballot, to be entered upon and completed forthwith, in which Case the Chairman for the Time being shall, as such, in like Manner have a Casting Vote.

Questions to be decided by a Majority of Votes in Person, or by Proxy.

Chairman to have casting Vote.

Powers to make Cisterns and other Works.

IV. And be it further enacted, That it shall be lawful for the said Company, and their Successors, by themselves, their Managers, Servants, Workmen, and Assistants, from Time to Time to resort unto, enter, view, examine, open, and cleanse the aforesaid Springs and Wells, called *Cold Well*, and *Cook Well*, otherwise *Cook's Well*; and to make, place, and complete, open, cleanse, and maintain, pull down, take up, renew, replace, and alter in Situation, or otherwise improve, continue, repair, and use such Cisterns, Wells, and Reservoirs of Water, at or near the Places where the aforesaid Springs rise, or in or near the Line of the Aqueduct thereof, or the said Town; and also such Pipes, Drains, Aqueducts, and Conduits underground, and Works and other Conveniences aboveground, for conveying the Water of the said Springs, or a sufficient Part thereof, for the Purposes aforesaid, towards and unto the said Town, and through the same, and the Streets, Highways, and Avenues thereof, or leading thereto, and the Houses near the said Town, and for lodging sufficient

sufficient Quantities of Water for the Supply herein-before mentioned, as shall be deemed necessary by the said Company; and to supply such Cisterns, Wells, and Reservoirs, Pipes, Drains, Conduits, and Aqueducts, and other Works whilst laying and making, altering or repairing, and when laid and completed, altered or repaired, with a sufficient Quantity of Water from the aforesaid Springs, or either of them; for the Purposes aforesaid; and from Time to Time to set and place such Posts, Stones, or other permanent Marks, as the said Company may deem necessary, for ascertaining and finding out the Line and Situation of the said Pipes, Drains, Conduits, and Aqueducts underground; and for better effectuating the Purposes aforesaid, shall, from Time to Time, and as often as may be necessary, to enter into and upon the Lands or Grounds where the aforesaid Springs rise, or near thereto, and the Lands or Grounds of any Person or Persons, and the Highways, Streets, Avenues, and Places lying between the said Springs and the said Town, and in the said Town, or near thereto, to take Levels, and for other Purposes of effecting the said Works; and to ascertain and mark out the Line of such Pipes, Aqueducts, Conduits, and Drains, and the Situation of the said Cisterns, Wells, Reservoirs, and other Works and Conveniences; and to bore, dig, cut, trench, bank, place, remove, take and carry away, and use Earth, Clay, Stones, Rubbish, Trees, Roots of Trees, Gravel or Sand, or any other Matters or Things, in the laying and placing, making, altering, amending, continuing, and repairing, such Wells, Cisterns, and Reservoirs, Pipes, Drains, Conduits, Aqueducts, and other Works and Conveniences as aforesaid, or which may hinder, prevent, or obstruct the same; and from Time to Time to make, place, repair, construct, alter, amend, continue, and use such other Pipes and Drains, and such Cocks, Valves, Branches, Plugs, Pumps, Machines, and other Implements, Utensils and Devices, in and about the aforesaid Works, as the said Company shall think proper; and from Time to Time to take and use all such other Acts, Ways, and Means, for the Purpose of collecting, conveying, and bringing and lodging, affording and distributing, a sufficient Quantity of fresh Water unto and into and near to the said Town of *Colne*, and the Houses and Buildings now or hereafter to be made in or near thereto, within the Township thereof, and for the Use of the Inhabitants of the said Town, Houses, and Buildings, from the aforesaid Springs, or either of them; and for completing and using, amending, improving, preserving, altering in Situation, or otherwise renewing, continuing, and repairing the Works and Conveniences authorized by this Act, as may be deemed necessary and proper by the said Company; and to resort, pass and repass to and from the aforesaid Works, and to carry and convey Materials and other Things to and from the same from Time to Time, as often as shall be necessary for the Purposes aforesaid, they the said Company of Proprietors, their Managers, Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company of Proprietors leaving the said Springs open and uncovered at the Places where they rise, so that the Water may be there taken, gathered, and enjoyed by all Persons resorting thereto, in as full, ample, and beneficial a Manner, and for the same Purposes, and to all Intents and Purposes as hitherto; and for that Purpose making, and from Time to Time cleansing, repairing, and keeping in good Repair, such Wells, Cisterns, and Reservoirs, at those respective Places, or near thereto, as may be necessary; and the said

[*Loc. & Per.*]

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Company

Doing as little Damage as may be,

and leaving the Wells open where the Springs arise, so that the Water may be there enjoyed as usual, &c.

and making
Satisfaction.

Company laying and placing the aforesaid underground Pipes, Conduits, and Drains, at least Three Feet below the Surface, and covering the same with Soil and otherwise, so as to restore the Surface of the Land and Ground where the said Pipes, Drains, Conduits, and Aqueducts shall pass, to its former Situation and Appearance, or as near thereto as may be, and as soon as may be, and the said Company of Proprietors making Satisfaction in the Manner hereinafter mentioned, to the Owners, Proprietors, and all other Persons interested in the Lands, Tenements, and Hereditaments respectively; which shall be used for the Purposes of this Act, or which shall be injured or damaged by Means of the Exercise of any of the Powers hereby granted, or 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, and their Managers, Officers, Agents, Servants, Workmen, and Assistants, and all other Persons whomsoever, for what they or any of them shall do or cause to be done under or by virtue of the Powers hereby granted.

Map and
Book of Re-
ference to
remain with
Clerk of
Peace.

V. And whereas a Map or Plan, describing the Line of the said intended Aqueduct and Conduit, and the Lands through which the same are intended to be carried, and the Situation of the intended Reservoirs, and a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers respectively of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County Palatine 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 all Persons shall at any reasonable Time have Liberty to inspect and peruse the same, and have a Copy thereof, or such Part thereof, as such Person or Persons shall require, such Copy or Copies to be made by the said Clerk of the Peace, or his Deputy, on being paid the Sum of One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies; and that the said Company of Proprietors, their Successors and Assigns, shall not, in laying and making such Aqueduct and Conduit of the aforesaid Water, deviate more than Sixty Feet from the Line or Course so described, nor make any Wells, Cisterns, or Reservoirs, in any other Lands, Grounds, or Situations, than so described, without the Consent in Writing of the Owner or Owners of the Lands or Grounds in which they shall so deviate, or make such other Wells, Cisterns, or Reservoirs.

No Water to
be employed
for Machinery
used about
any Manu-
facture.

VI. Provided always, and be it further enacted, That nothing herein contained shall enable the said Company of Proprietors to apply or use, or suffer to be applied or used, any Part of the aforesaid Water to be conveyed as aforesaid, in supplying Water for any Engine or Machinery, or in or about working any Machinery in any other Way, for the Use of or to be employed in or about any Manufactory; and that no Inhabitant or Inhabitants of the said Town, or any House therein, or near thereto, or other Person or Persons whomsoever, shall so use or employ any Part of the said Water, upon Pain of forfeiting to and for the Use of the Person complaining thereof, from Time to Time, for and upon each Occasion of so doing, any Sum not more than Five Pounds.

VII. Provided

VII. Provided also, and be it further enacted, That the said Company of Proprietors shall turn off and discharge, or cause and procure to be turned off and discharged, such spare or waste Part of the Water of the aforesaid Springs as shall not be wanted for the Supply of the Inhabitants of the said Town, and the Buildings and Houses therein and near thereto, situate within the Township of *Colne* aforesaid, now built or hereafter to be built, with fresh and sufficient Water as herein-before mentioned, or as much thereof as may conveniently be at the respective Spring Heads, or so near thereto as that such Water so turned off and discharged may run and may pass in the same Course as hath been usual, or as near thereto, and as soon after being so turned off as may be.

Waste Water to be turned off at or near the Spring Heads.

VIII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting under or by their Authority, (save and except for the Purposes of making and repairing and using a Reservoir for the Use of the said Works, as described in the aforesaid Map or Plan, on the Back of the *White Swan* Publick House, in *Colne* aforesaid, in the Occupation of *Robert Thomson*, as Tenant to *Thomas Starkie* Esquire) to take, use, injure, or damage, in the Exercise of any of the Powers herein-before contained, any House, Bridge, or other Building, which was erected or built before the passing of this Act, or any Land or Ground which at or before that Time was set apart and used as or for a private Yard, Park, Paddock, Garden, Pleasure Ground, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

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

IX. And be it further enacted, That after any Lands or Grounds shall be set out and ascertained for making and placing the said Reservoirs, Wells, Cisterns, Drains, Aqueducts, Conduits, and other Works and Conveniences, or any of them, it shall be lawful for all Bodies Politick and Corporate, Aggregate or Sole, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, or other Person or Persons; and for all Femes Covert, and all other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in any Lands or Grounds which shall be so set out and ascertained for the Purposes aforesaid, to treat and agree with the said Company, or any of their Managers or Officers for the Time being, for such Lands and Grounds, and the Liberties and Privileges wanted to be used and exercised in or belonging to any Lands or Grounds for the Purposes aforesaid, and to receive Satisfaction and Compensation for the same, and to contract for, lease, surrender, grant and convey, the same unto the said Company of Proprietors, and their Successors and Assigns; but all Contracts, Agreements, Bargains and Sales, of all such Lands as aforesaid, as shall be of the Tenure of Copyhold or Customaryhold, shall be executed and completed by Surrender or Surrenders in the usual Way, and according to the Custom of the Manor of which the same shall be holden, to the Use of One or Two Persons, to be nominated and appointed by the said Company of Proprietors, and his or their Heirs, as Trustees for the said Company for the Purposes aforesaid, by, under, and

Persons enabled to convey;

but Copyholds to be surrendered to Trustees for the Company;

subject

and Lords of
Manor, to
grant Wastes.

subject to the Rents, Suits, and Services therefore due and of Right accustomed according to the Custom of such Manor, so that the Lord or Lords of such Manor may receive or sustain no Prejudice or Loss of Fines, Suits or Services, in consequence of the Conveyance and Appropriation of Lands of the Tenure of Copyhold or Customaryhold for the Purposes aforesaid; and it shall be competent to the Lord or Lords, Lady or Ladies of the Manor where any Road or Roads, or Waste Lands, may be cut through, taken, or used, or any Privileges wanted to be exercised therein for the Purposes aforesaid, or any of them, or the Steward or Stewards for the Time being of the Courts of such Manor, or his or their Deputy or Deputies, for and in the Name or Names of such Lord or Lords, Lady or Ladies, to make such Agreements, Contracts, Surrenders, Conveyances and Grants of such last-mentioned Lands and Grounds, or the Privileges required therein for the Purposes aforesaid, without any Commoner or Commoners, or other Person or Persons interested in such Roads or Waste Lands joining therein; and the Receipt and Receipts of such Lord or Lords, Lady or Ladies, or their or his Steward or Stewards, or his or their Deputy or Deputies as aforesaid, for the Purchase Money, or Satisfaction to be made in respect thereof, shall be good and sufficient Discharges to the said Company of Proprietors.

Satisfaction to
be made for
Damages,
and for Pur-
chase of
Lands
wanted.

X. And be it further enacted, That the said Company of Proprietors and their Successors shall and do make and pay or offer to the Owners and Occupiers of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments, which shall be wanted to be purchased or acquired, and shall be ascertained by the said Company for the Purposes of this Act, or to his, her, or their Guardians, Feoffees, Trustees, Husbands, or Committees, a full and adequate Price for the Purchase of such Land which shall be wanted to be purchased, before they shall in anywise make use of the same, and also a full and adequate Satisfaction and Compensation for any other Damages which may or shall then have been done to any other Lands, Grounds, Tenements, or Hereditaments, in or about or in consequence of the Execution of the Powers granted by this Act, or otherwise by the said Company of Proprietors, or any Person or Persons whomsoever under their Authority, upon Request or Demand for that Purpose made to the Treasurer, or any of the Managers of the said Company; and such Owner or Owners, or other Persons, interested in the Lands, Tenements, or Hereditaments, which may be so as aforesaid wanted to be purchased and acquired by the said Company, for the Purposes of this Act, or which may be injured or damaged as last herein-before mentioned, or his, her, or their Guardians, Feoffees, Trustees, Husbands, or Committees, may accept and receive such Purchase Money and Price, Satisfaction and Compensation, either in gross Sums or by Annual Rents, as shall be agreed upon by and between them and the said Company of Proprietors; and in case the Parties shall not agree concerning the Amount of such Price, Satisfaction, and Compensation as aforesaid, within the Space of Twenty Days next after Application shall have been made for that Purpose, by or on Behalf of either of the Parties aforesaid, to the other of them, or by reason of Absence or otherwise, such Person or Persons as aforesaid cannot be applied to, or shall be prevented from treating, then and in every such Case it shall be competent to either or any of the Parties to give Notice in Writing to the other of such their, his, or her Intention to have such Price, Satisfaction, and Compensation, ascertained and fixed in the Manner herein-after mentioned; and such Notice shall be considered as well

In case the
Parties dis-
agree, &c.
Price and
Damages,
&c. to be as-
certained by
a Jury.

well served on the said Company by being delivered to or left at the usual Place of Abode of the Treasurer or Clerk to the said Company, and on the other Party by being delivered to him or her, or left at his or her last or usual Place of Abode, or of the Tenant or Occupier of the Lands, Grounds, Tenements, or Hereditaments, respecting which such Dispute or Question shall arise; and in case no Agreement shall be concluded between the Parties within Ten Days after such Notice, then and in such Case any Two or more of His Majesty's Justices of the Peace in and for the said County of *Lancaster*, residing near to the Place in question, shall upon the Application of the Party having so given the said Notice, and upon Proof thereof, issue their Warrant or Precept under their Hands and Seals to the Sheriff of the said County, requiring him to summon, return and impanel, and he shall accordingly summon, return, and impanel, Twenty-four indifferent Men of the said County, at such Time and Place as shall be required in such Precept or Warrant, to enable the said Justices to make and swear, and they shall make and swear, a Jury of Twelve indifferent Men of the said County between the Parties, out of such Twenty-four, if a sufficient Number appear and are sworn; and if not, then the said Sheriff or his Deputy shall summon and return a sufficient Number of Bye Standers or Persons that can speedily be procured for that Service, who shall be sworn upon the said Jury until the Number of Twelve be completed to make a Jury between the Parties; and all Parties may have their lawful Challenges to such Jurymen when they come to be sworn; and any One of such Justices is empowered and required, upon Application by either of the Parties, by Warrant under his Hand and Seal, to call before such Justices and Jury as aforesaid, all and every Person and Persons who shall be thought necessary to be examined touching the Premises, and to examine such Person or Persons in the presence of such Jurymen, and such Justice is hereby authorized and required to swear such Jurymen well and truly to try the Matter in dispute between the Parties, and give a true Verdict therein, and also such Persons as attend to give Evidence, to give the same truly, or being Quakers take their Affirmation so to do; and the said Justices shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, or on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on such Jury, or being so sworn shall refuse to give, or shall not give their Verdict, or shall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act, and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or wilfully neglect to appear, or shall refuse to be sworn and give Evidence; and from Time to Time to recover, levy, and apply such Fine or Fines in the same Manner as any other Forfeitures or Penalties are by this Act directed to be recovered, levied, and applied, so that no such Fine shall exceed the Sum of Ten Pounds upon any one Person for One Offence; and the said Justices may, if they think fit, order and authorize the said Jurymen, or any Six or more of them, to view the Place or Places, Matter or Matters in question, and the said Jury by their Verdict, upon their said Oaths, shall inquire of, assess, and ascertain the Sum or Sums of Money, or Annual Rent then in question, and to be paid for the Purchase or Acquisition of any Lands, Grounds, Tenements, or Hereditaments which shall have been set out and ascertained for Conduits,

[*Loc. & Per.*]

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Reservoirs,

Reservoirs, or other Works and Conveniencies hereby authorized to be made, and also the Sum or Sums of Money, or Annual Rent then in question, to be paid for the Use hereby authorized to be made of and the Privilege to be exercised in or derived from any Lands, Tenements, or Hereditaments for the Purposes of this Act, by laying and placing such Pipes, Drains, Aqueducts, and Conduits for conveying Water from the said Springs, or otherwise, in taking and conveying such Water, and the Recompence and Compensation then in question to be made for the Damages that shall or may be or have been sustained in or about the Premises, or otherwise, in the execution of any of the Powers and Authorities herein contained; and the said Justices then and there present shall give Judgement according to the Verdict of the said Jury; and the said Proceedings shall from Time to Time be binding and conclusive, to all Intents and Purposes whatsoever, upon all Parties thereto, their Successors, Heirs, Executors, and Administrators, and all and every Person and Persons, Bodies Politick and Corporate, Infants, Issue, unborn Lunatics, Idiots, and Femes Covert, and Persons under any legal Incapacity or Disability, claiming, or who shall or may thereafter claim any Estate, Right, Title, Trust, Use, or Interest, into or out of the said Lands, Tenements, and Hereditaments in question and under consideration, in the giving of such Verdict and Judgement; and the aforesaid Verdicts, Judgements, and other Proceedings, shall be drawn up and made into Records, and signed by the Justice or Justices acting therein, and shall not be removed or removable by *Certiorari* or any other Process, but shall be left with the Clerk of the Peace of the said County, and be filed by him among other Records in his Possession, where they shall remain; and the same, or true Copies thereof, shall be good Evidence thereof, and of such Proceedings, in any Court of Law or Equity; and all Persons may have Recourse thereto, and Copies thereof, or Extracts therefrom, on paying One Shilling for such Inspection, and after the Rate of Sixpence for every One hundred Words for every such Copy or Extract.

Expences of
Jury how to
be borne.

XI. And be it further enacted, That in case a greater Sum, as the Purchase Money or Compensation for Damages, annually or otherwise, shall be given by the said Verdict, than had been offered by or on Behalf of the said Company before the summoning of the said Jury, or if by reason of Absence, or any Impediment or Disability, no Person or Persons shall have been found capable to enter into and contract with the said Company, and make Conveyance to and receive the Money and Compensation in question from the said Company of Proprietors, then and in such Cases the Expences of the said Party, between whom and the said Company such Question shall arise of summoning such Jury, and of such Proceedings, and taking and returning such Verdict in Manner before provided, and all Costs incident thereto, shall be settled and ascertained by the Justice or Justices acting therein, and shall be defrayed and paid by the said Company; but if such Verdict shall be given for the same Sum that had been (before summoning such Jury) previously offered to be paid by or on Behalf of the said Company, or a less Sum, or no Damages shall be given by the Verdict of the Jury where the Dispute shall be concerning Damages only, then and in all such Cases such Costs and Expences of the said Company of summoning the Jury, and of such Proceedings, and taking and returning such Verdict, and all Costs

and

and Expences incident thereto as aforesaid; and to be settled and ascertained as aforesaid, shall be borne and paid by the Person or Persons between whom and the said Company such Question shall arise, and the same shall and may be deducted out of the Money so assessed and adjudged, or any future Payment to be made by the said Company, to or for such Person or Persons, as so much Money paid or advanced to or for his, her, or their Use, or recovered by an Action of Debt; or on the Case, at the Suit of the said Company in any Court of Law.

XII. And be it further enacted, That on Payment or Offer of the Money so as aforesaid agreed for, or so assessed and adjudged, and such Costs as aforesaid, when payable by the said Company, and of the Residue of the said Money so assessed, after deducting such Costs, when and in such Cases as the said Company shall be entitled to Costs, to the respective Person or Persons entitled to such Money, or his or their Agent, or in case such Person or Persons entitled thereto, or his or their Agent, cannot be ascertained or met with in the said County Palatine of *Lancaster*, or it shall not appear, in consequence of Disputes, who is entitled thereto, then upon depositing the said Money from Time to Time in the Hands of the Treasurer of the said Company, if the same shall not exceed the Sum of Fifty Pounds, and upon Payment thereof, if the same shall exceed that Sum, into the Bank of *England*, in the Manner herein-after mentioned, then and in such Case it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon, take, and enjoy the Lands, Tenements, and other Hereditaments respectively (or before such Payment or Tender by Leave of the Owners and Occupiers thereof), and then and thereupon such Lands, Tenements, and other Hereditaments for which such Money shall be so paid, offered, or deposited, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the Property of the said Company of Proprietors to and for the Purposes of this Act for ever; and such Payment, Offer, or Deposit for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to or for whom the same shall have been made, but also shall extend and 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, or their Issue, and of every other Person whomsoever claiming under them; and where such Payment, Offer, or Deposit, shall be in respect of Damages or Annual Payments, the same shall be and amount unto a Satisfaction for such Damages or Annual Payments.

XIII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Committees, or other Trustees, or Persons acting as Guardians, Committees, or other Trustees, for or on Behalf of any Lunaticks, Idiots, Femes Covert or other *Cestuique* Trusts; or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, for the Purchase or Exchange of or the Damage to be done to any Lands, Tenements, or Hereditaments, by virtue of the Powers herein contained, shall be paid and applied in Manner following; (that is to say), in case the same shall amount to or exceed the Sum of Two hundred Pounds, it shall with all convenient

And on Payment, &c. Lands, &c. to be vested in the Company.

Purchase Monies, or Compen-sations due to Corporate Bodies, Minors &c. to be laid out to the same Uses, &c.

Speed

Speed 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 *ex parte* the Company of Proprietors of *The Colne Waterworks*, together with the Name or Names of such Person or Persons as Three of the Proprietors of the said Waterworks shall by Writing signed by them direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Redemption or Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, 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 mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase and Settlement were made.

Application where the Compensation Money does not exceed Two hundred Pounds, and above Twenty Pounds.

XIV. Provided always, and be it further enacted, That in case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments in respect whereof the same shall be paid or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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

proved of by Three or more of the said Proprietors (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XV. And be it further enacted, That in case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall not exceed 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 Hereditaments in respect whereof the same shall be paid, in such Manner as the said Proprietors, or any Three or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively; and the Receipt or Receipts of the Person or Persons to whom the said Directors shall direct the same to be paid, shall be sufficient Discharges for the same.

Application where less than 20l.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Proprietors or any Three or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Proprietors or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and 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 such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession, unless, &c.

XVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; 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, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XVIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, 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 such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Proprietors or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Owners and Inhabitants of Houses &c. may lay Pipes to those of the Company.

XIX. And be it further enacted, That such of the Owners of Buildings within or Inhabitants of the said Town of *Colne*, or within the Distance of One Quarter of a Mile of any Part of the Wells, Reservoirs, Pipes, Conduits, or Drains, for lodging or conducting the said Water, and within the Township of *Colne* aforesaid, as shall be desirous of having Water conveyed in Pipes into their Houses, Yards, or Offices, may and are hereby authorized and empowered, at their own Expence, (having first obtained the Consent in Writing of such Person as the said Company shall authorize under their Common Seal to give such Consent, and also the Consent of the Owner or Owners, and Occupier or Occupiers of any inclosed Lands or Grounds in which such Pipes shall be placed), to open the Ground between the said Company's Wells, Reservoirs, Main Pipes, or Aqueducts, and the respective Houses, Buildings, and Yards of such Owners or Inhabitants, and to lay leaden or such other Pipes, and of such Bore, and continue them for such Term and Time, as shall be

be agreeable to the said Company, and specified in such Writing giving such Consent as aforesaid, from such Houses, Buildings, and Yards, to communicate with the said Wells, Reservoirs, Aqueducts, or Main Pipes, upon such Terms and Conditions, and such respective Owners of Buildings or Inhabitants agreeing to pay and paying to the said Company, Yearly, or at shorter Periods, such Rate or Rates, Sum or Sums of Money for such Privilege and 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 agreed to be paid, the same shall be recoverable by the said Company, with the Costs of such Recovery, by Distress and Sale of the Goods and Chattels of the Person or Persons respectively liable to pay the same, in the same Manner as Rents in Arrear upon Common Demises may be recovered.

Mode of Recovery of Water Rents.

XX. And be it further enacted, That it shall be lawful for the said Company to cause any Pipe or Pipes, Drain or Aqueduct, which shall communicate with any of the Wells, Reservoirs, Pipes, or Aqueducts of the said Company, without their Consent as aforesaid, and the Pipe or Pipes, Drain or Drains, or Aqueducts of any Person or Persons respectively so communicating, who shall negligently suffer the same, or the Cocks belonging thereto to be out of Repair, so as to let the Water run waste and useless, or who shall make such Default in Payment as aforesaid, or at the End of the Term or Time agreed for such Pipes and Aqueducts remaining, or when it shall be necessary for the Alteration or Amendment of the said Company's Pipes or Works, to be stopped and separated from the Wells, Reservoirs, Aqueducts, and Pipes of the said Company, and the Water to be stopped from issuing or running therefrom by means of such Pipes, Drains, or Aqueducts, so authorized to be stopped and separated; and if any Person shall lay or place or cause to be laid or placed any leaden or other Pipe, Drain, or Aqueduct to communicate with any Aqueduct, Pipe, Reservoir, or Well belonging to the said Company, without such Consent as aforesaid, or shall replace any Pipe or Aqueduct after being so stopped or separated as aforesaid, or shall continue the same beyond the Time agreed for without the Consent and Approbation of the said Company, every such Person shall be liable to forfeit and pay to the said Company or their Treasurer for their Use, any Sum not exceeding Ten Shillings for every Day such Pipe or Aqueduct shall afterwards remain, and Water shall issue by means thereof from any Well, Reservoir, or Aqueduct of the said Company; but such Person to whom such Pipes laid to communicate with the Aqueduct, Wells, or Reservoirs of the said Company, and the Cocks attached thereto, shall belong, shall be at liberty to remove and take away the same at the End of the Term agreed for.

Pipes may be stopped and separated by the Company for certain Causes.

Penalty for joining Pipes to those of the Company without Leave.

XXI. Provided always, and be it further enacted, That any Ground, Highway, or Pavement, which shall or may be opened or broken up either by the said Company of Proprietors, or by any other Person or Persons for laying, taking up, or repairing any Aqueduct or Pipe by virtue of this Act, shall by the said Company of Proprietors or other Persons respectively so opening the same 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 that the same may not be dangerous to Passengers or Cattle, or otherwise; and that if there shall

When Ground is broken up for laying Pipes, it is to be filled in again as soon as possible, and fenced in the mean Time to prevent Accidents.

be any wilful or negligent Delay in any of the Agents or Servants of the said Company of Proprietors, or any such other Person or Persons in taking up or repairing any of the said Aqueducts or 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 Agents or Servants of the said Company of Proprietors, or such other Persons respectively so negligent, shall forfeit any Sum not exceeding Five Pounds, to be applied to the Use of the Poor of the Town of *Colne* aforesaid.

Penalties for hindering or injuring the Companys Works, or fouling the Water;

XXII. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Company of Proprietors, or their Managers, Agents, Servants, or Workmen, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities in this Act authorized or contained; or if any Person whomsoever shall wilfully or maliciously let off or discharge any Water, so that the same shall run waste and useless to the said Company or Concern, or any Person entitled thereto, under an Agreement with them, out of or from any of the Cisterns, Reservoirs, or Wells, Pipes, or Aqueducts hereby authorized to be made; or shall wilfully or maliciously break, throw down, injure, damage, or destroy, any Wells, Cisterns, Reservoirs, Aqueducts, Pipes, Drains, Plugs, Cocks, Works, Matters or Things of the said Company, made or to be made, or provided in pursuance of this Act, or for the Purpose of the Execution of the Powers herein contained; or if any Person whomsoever shall bathe in any of the Wells, Cisterns, or Reservoirs of the said Company, to be made pursuant to the Powers herein contained, or incite or wilfully cause any Dog or other Animal to enter the same, or shall wash, cast, put or throw any Dog or Cat, or other Animal, alive or dead, or any Cloth, Wool, Filth, Dirt, or other noisome or offensive Matter or Thing, or cause, permit, or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into any of the said Wells, Cisterns or Reservoirs, Pipes or Conduits, or otherwise wilfully foul or render noisome or impure, or cause or procure so to be, the Water running to or contained in any of such Wells, Cisterns, or Reservoirs, Pipes or Conduits; or if any Person or Persons, supplied with Water by virtue of this Act, shall wilfully permit any other Person or Persons not having the Authority or Consent of the said Company, to take any Water at the Pipes or Reservoirs of the said Company, or shall supply any other such Person or Persons with any Water from such Pipes or Reservoirs, or shall, by negligently suffering his or their Pipes or Aqueducts, or the Cocks belonging thereto, to be out of Repair, occasion the Water thereby supplied to run waste and useless; or if any Person not having such Consent of the said Company as aforesaid, shall take or use any of the Water supplied by Means of the Works of the said Company, other than and except at the Reservoirs or Wells at or near the Places where the said Springs arise, for such Purposes and as hath heretofore been usual, then and in every such Case the Person so offending as aforesaid shall from Time to Time forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, according to the Discretion and Decision of the Justice of the Peace before whom the same shall be recovered, as herein-after provided, besides the full Amount of the Damage sustained by the said Company, by the Acts or Means in respect of which such respective Penalties shall be incurred, in addition thereto;

and on Persons supplied with Water supplying others;

or using Water without Consent of Company.

thereto; and the said Company shall be at Liberty to take away the Supply of Water of such Person so offending, from the Reservoirs, Cisterns or Pipes of the said Company; but 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 whatsoever that may have communicated to any Building or Buildings, Rick or Ricks, Stack or Stacks of Hay, 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; provided that as little Damage as may be shall be done to the Reservoirs, Cisterns, Aqueducts, Pipes, Drains, or Works of the said Company, by or in procuring the Water for the Purpose last aforesaid; and any Damage or Injury that shall be so done shall be compensated for; and the Reservoirs, Cisterns, Aqueducts, Pipes, Drains, or Works so injured, shall be completely and effectually, and with as little Loss of Time as may be, repaired by or at the Expence of the Person to whose Buildings, Ricks or Stacks, Waggons, Carts, or other Carriages, such Fire shall have communicated, or be in danger of communicating; and provided that no Person supplied with Water under the Consent and an Agreement with the said Company for that Purpose, shall be liable to any Penalty or Payment for supplying any other Person or Persons who is or are entitled at that Time to be supplied with Water from any of the Reservoirs, Cisterns, or Pipes of the said Company, but cannot then be so supplied by his, her, or their own Pipes in consequence of the same of those of the said Company being then out of Repair, if no Neglect or Loss of Time have been permitted to take place in repairing the Pipes of such Person or Persons.

except for
Purposes
specified.

XXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, or such other Persons as they shall admit to contribute by Subscription, in such Proportions, Manner and Form as they shall agree upon, such further Sum or Sums of Money, in Addition to those already subscribed by and among them, for effecting the Purposes aforesaid, and defraying the Expence of this Act, as to make up the whole Amount of such Subscription, and the Stock of the Proprietors in the said Concern, any Sum not exceeding the Sum of Three thousand five hundred Pounds; and the same, or a sufficient Part thereof, shall be laid out and applied in the first place in discharging the Expences of preparing, soliciting, obtaining, and passing this Act, and of making the Surveys, Plans, and Estimates, and other incidental Expences relating thereto, and then for and towards the Expences already incurred or hereafter to be incurred in making, completing, and maintaining the said Reservoirs and Aqueducts, Works and Conveniencies, and otherwise for putting this Act in execution; and that no Person contributing or becoming a Proprietor in the said Undertaking do become a Proprietor of less than one Share, or of more than Fifteen Shares (each Share to consist of Twenty Pounds) either in his own Name or in the Name or Names of any other Person or Persons in Trust for him, her, or them, (unless the same shall come to him, her, or them, by Will, Bequest, Descent, Right of Administration, or Marriage) upon Pain of forfeiting to the said Company of Proprietors all such Shares (exceeding Fifteen Shares) and the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their se-

The Com-
pany may
increase the
Amount of
their Sub-
scriptions,
or admit fresh
Subscribers;

[Loc. & Per.]

6 E

veral

veral and respective Executors, Administrators, and Assigns, as Part of their Personal Estate and Effects, and to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute.

and Materials, &c. to be provided, to be the Property of the Company; and the Profits, &c. to be divided.

XXIV. And be it further enacted, That all the Materials of which the aforesaid Wells, Reservoirs, and Cisterns, shall be constructed, as well as the Pipes, Cocks, Conduits, and other Utensils and Things furnished and provided for the Purposes aforesaid, or by the said Company, or their Managers, Officers, or Servants, at the Expence of the said Company, and all the Profits, Benefits, and Advantages to arise from the said Concern, or under or by virtue of this Act, or the Powers herein contained, shall be and be considered to all Intents and Purposes vested in and be the Property of the said Company in Trust, and for the Uses and Purposes aforesaid; and all Persons, their several and respective Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, shall be entitled to and receive after the said Reservoirs, Aqueducts, and Works shall be declared fit for Service by the said Company of Proprietors, or their Managers, an equal and proportionable Distribution according to the Share or Shares they shall respectively possess, of the net and clear Profits and Advantages of the said Concern, after deducting all necessary and incidental Charges, Disbursements, and Expences; and every Person having such Property in the said Undertaking as aforesaid shall bear and pay a proportionable Sum towards carrying on the same.

Power to raise Money by Mortgage of the Undertaking.

XXV. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising any Sum which may be necessary for the Purposes aforesaid, not exceeding the Sum of Two thousand Pounds beyond what is already subscribed, or may hereafter by the Consent of the said Company be so as aforesaid contributed and subscribed, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors to borrow and take up at Interest all or any Part of such additional Sum, in One Sum or more, on the Credit of the said Undertaking, and to assign the Property of the same Undertaking, and the Profits and Advantages arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Sums of Money), as a Security for any Sum or Sums of Money so to be borrowed, with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company of Proprietors, and shall be in the Form or to the Effect following; (that is to say),

Form of Mortgage.

BY virtue of an Act, made in the Forty-sixth Year of the Reign of King George the Third, intituled, *An Act* [here insert the Title of this Act] We the Company of Proprietors of the said Undertaking, incorporated by and under the said Act, in Consideration of the Sum of _____ to us in Hand paid by *A. B.* of _____ do hereby bargain, sell, and assign unto the said *A. B.* his Executors, Administrators, and Assigns, the said Waterworks, and all the Works thereto belonging, and all and singular the Sums of Money arising and payable to us for Water, by virtue of the said Act; and all our Estate, Right,

Right, Title, and Interest of, in, and to the same; to hold unto the
 said A. B. his Executors, Administrators, and Assigns, until the said
 Sum of _____ with Interest for the same after the
 Rate of _____ *per Centum per Annum*, shall be
 fully paid and satisfied. Given under our Common Seal, this
 Day of _____ in the Year of our Lord One thousand eight
 hundred and _____

And all Persons to whom such Assignment shall be made shall be equally
 entitled one with the other to the said Undertaking, Profits, and Ad-
 vantages, so to be assigned, in proportion and according to the respective
 Sums in such Assignments mentioned to be advanced, without any Pre-
 ference by reason of the Priority of any such Assignments, or on any other
 Account; and the Person or Persons to whom any such Assignment shall
 be made as aforesaid, or who shall be entitled to the Money due thereon,
 may from Time to Time transfer his, her, or their Right and 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,

I A. B. of _____ in Consideration of the Sum of _____
 paid by C. D. of _____ do hereby trans-
 fer a certain Mortgage made by the Company of Proprietors of *The*
Colne Waterworks, 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 C. D. his Executors,
 Administrators, and Assigns. Dated this _____ Day of _____
 in the Year of our Lord One thousand eight hundred and _____

Form of Af-
 signment.

And every such Transfer shall, within Thirty Days after the Date there-
 of, be produced to the Clerk to the said Company of Proprietors, who
 shall cause a Memorial to be made thereof in like Manner as the original
 Mortgages or Assignments, for which the said Clerk shall be paid such
 Sum as the said Company of Proprietors shall appoint, not exceeding
 Five Shillings, and every such Entry made of such Transfer shall from
 thenceforth entitle such Assignee or Assignees, his, her, or their Ex-
 ecutors, 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 any such Assignment, to make
 void, release, or discharge the original Mortgage, or any Money thereby
 secured, or any Part thereof; but neither such Mortgagee or Mortgagees,
 nor his or their Assignee or Assignees, shall be deemed a Proprietor in
 the said Concern, or be capable of acting in any respect as such.

XXVI. And be it further enacted, That all Fines, Penalties, and For-
 feitures, inflicted or imposed by this Act, or which shall be inflicted or
 imposed by any Rule, Order, or Bye-Law of the said Company to be
 made under the Authority of this Act, may in case of Non-payment
 thereof be recovered in a summary way, by the Order and Adjudication
 of any One or more Justice or Justices of the Peace of the said County
 Palatine of *Lancaster*. on Complaint to him or them for that Purpose ex-
 hibited, and afterwards be levied, as well as the Costs of such Proceedings
 on Non-payment, by Distress and Sale of the Goods and Chattels of the
 Offender

Mode of Re-
 covery of
 Fines and
 Forfeitures.

Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same, 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 the Overplus, if any, of the Money so raised or recovered, after discharging the Fine, Penalty, or Forfeiture, for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods or Chattels so seized and distrained; and for want of sufficient Distress, Goods, and Chattels, whereon to levy as aforesaid, and in case the Fine, Penalty, or Forfeiture, and the Costs of recovering the same or any Part thereof, shall remain unpaid for the Space of Twenty Days or upwards after such Order and Adjudication made, it shall be lawful for such Justice or Justices and he or they is or are hereby authorized and required, upon Application made to him or them for that Purpose, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Offenders, Person or Persons, so liable to such Payments, to the House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all Costs and Expences attending the Proceedings to recover the same, shall be sooner paid and satisfied.

XXVII. 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 the Order.

Lancashire } BE it remembered, That on the _____ Day of
 to wit _____ in the Year of our Lord
 _____ A. B. is convicted before me C. D. One of His Majesty's Justices of the Peace for the County of _____
 [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 the Day and Year first above written.

Appeal to the Sessions.

XXVIII. Provided always and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance or by virtue of this Act, or by any Rule, Bye-Law, or Order, to be made by virtue thereof, every such Person may at the next General Quarter Sessions of the Peace for the said County, or any Adjournment thereof, holden at the usual Place for transacting the Business of the Hundred within which such Offence shall arise, if such Sessions or Adjournment shall be more than Fourteen Days after such Order or Adjudication shall be made, exclusive of the Day of making thereof, and also of the holding such Sessions or Adjournment, or at the next Sessions but One, or any Adjournment thereof as aforesaid to be so holden, if there shall not be more than Fourteen Days before such next Sessions or Adjournment, such Person giving Notice in Writing of such Appeal within Six Days after such Fact committed, shall be made to the Complainant in such Proceedings, and entering into a Recognizance with One good and sufficient Surety before some Justice or Justices of the Peace for the said County, in such
 Sum

Sum as he or they shall require, to abide the Event of such Appeal and the Order of Sessions thereon; and the said Court of Quarter Sessions to which such Appeal shall be made shall in a summary way hear and determine such Appeal, or may adjourn the Hearing and Determination thereof to the next Sessions at the same Place, and then hear and determine the same and award Costs, to and against either Party, as such Court may think fit, and the Determination of such Sessions shall be final and conclusive between the Parties, and such Proceedings shall not be quashed or vacated for want of Form, nor be removed or removable by *Certiorari* or otherwise.

XXIX. And be it further enacted, That no Distress made under any such Proceedings as aforesaid, shall be deemed unlawful, nor shall the Person or Persons making the same be deemed a Trespasser or Trespassers on account of any Irregularity therein, or which shall afterwards be done by such Person or Persons distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case, unless Tender or Payment of sufficient Amends shall have been made to the Plaintiff or Plaintiffs for the special Damage so sustained before such Action shall have been commenced; and in case no such Tender or Payment shall have been made before such Action brought, it shall be lawful for the Defendant or Defendants; and he or they may, by Leave of the Court wherein such Action shall be brought, at any Time before Issue joined, or afterwards on withdrawing the Defendant's Plea or Pleas therein, pay into Court such Sum of Money as such Defendant or Defendants shall think fit, whereupon such Advantage shall be derived to the said Defendant or Defendants, and such Proceedings, Order, and Judgement, shall be had, made, or given in and by such Court, as in other Actions where the Defendant or Defendants is or are allowed to pay Money into Court.

Distress not to be deemed unlawful on Account of Irregularity.

XXX. 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 Act complained of shall be done, and not afterwards, and shall be laid and brought in the County Palatine 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 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 Defendants; and 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 is or are entitled to for Costs of Suit in other Cases by Law.

Limitation of Actions;

and the General Issue may be pleaded, and Special Matter given in Evidence.

Subscribers
compelled to
pay their
Subscription.

XXXI. And be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe or advance any Money for and towards making and maintaining the Works hereby authorized to be made, shall and are hereby required to pay the Sum or Sums by them respectively subscribed (or such Parts and Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, by virtue of the Powers and Directions of this Act) at such Times and Places and in such Manner as shall be directed by the said Company; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place, and in Manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any Court of Law or Equity.

Publick Act.

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

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