



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 20.

An Act for enlarging the Powers of an Act of His present Majesty, for supplying with Water the Towns of *Manchester* and *Salford*, in the County Palatine of *Lancaster*. [1st April 1813.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for more effectually supplying with Water the Inhabitants of the Towns of Manchester and Salford, in the Parish of Manchester, in the County Palatine of Lancaster*, whereby several Persons, therein named, and their Successors, Executors, Administrators, and Assigns, were united into a Company, for the making, completing, improving and maintaining, certain Water-works, Aqueducts, Reservoirs, and other Works necessary for the Purposes of the said Act, and were thereby declared to be one Body Politic and Corporate, by the Name of 'The Company of Proprietors of the *Manchester* and *Salford* Water-works;' and the said Company of Proprietors were thereby authorized to raise and contribute amongst themselves, for the Purposes of the said Act, in such Proportions as they shall think proper, any Sum or Sums of Money, not exceeding in the Whole the Sum of Sixty thousand Pounds, to be divided into Shares of One hundred Pounds each; and to raise and contribute, in Manner aforesaid, or by the Admission of new Subscribers, any further or other Sum of Money for the making, completing, and maintaining the said Reservoirs, Aqueducts, and other Works, as to them should seem meet, not exceeding the Sum of Fifty thousand Pounds; and the said Company of

[*Loc. & Per.*] 5 H Proprietors

49G.3.c.192.

To enable
the Company
to raise a
further Sum
of Money.

Proprietors were thereby also authorized to borrow and take up, at Interest, all or any Part of the said Sum of Fifty thousand Pounds, on the Credit of the said Undertaking, and to assign the Property of the said Undertaking, and the Sums of Money arising or to arise to the said Company of Proprietors by virtue of the said Act or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed in Manner therein expressed: And whereas in pursuance of the Powers and Authorities of the said recited Act, the said Sum of Sixty thousand Pounds, and also the said further Sum of Fifty thousand Pounds, have been severally raised and contributed by the said Company of Proprietors, and the Whole thereof laid out in the making and constructing of the said Water-works, Aqueducts, Reservoirs, and other Works: And whereas the said Company of Proprietors have, in the Execution of the Works already completed, and in Progress, expended further Sums of Money, and incurred Debts, and are now liable to various Demands which they have not the means of discharging or answering; nor can the Works necessary for supplying Water from the same, in the Manner authorized by the said Act, be completed, unless the said Company of Proprietors are empowered to raise a further Sum of Money for those Purposes, and unless the Powers and Provisions of the said recited Act are altered and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Company of Proprietors of the *Manchester and Salford* Water-works, to raise and contribute among themselves, for the Purposes of the said recited Act, in Addition to the Money which has already been raised by them under the Powers of the said recited Act, for the Purposes thereof, any Sum or Sums of Money, not exceeding in the Whole the Sum of One hundred thousand Pounds, in such Proportions as they shall think fit; and which said Sum of Money when raised, shall be laid out and applied by the said Company of Proprietors, in the first Place, in discharging the Expences of obtaining and passing this Act, and reimbursing to the Proprietors of the said Undertaking all such Sum and Sums of Money as shall have been advanced and paid by them, or any of them, for the Purposes of carrying the said recited Act into Execution, and paying all such Sum and Sums of Money as the said Company of Proprietors are now liable to pay, or to be called on for the like Purpose, and for otherwise carrying the Purposes of the said recited Act and of this Act into Execution; and which said Sum of One hundred thousand Pounds, shall be divided into Shares of One hundred Pounds each; and it shall and may be lawful to and for any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, possessed of any Share or Shares in the Capital of the said Company of Proprietors, under the said recited Act, to accept and take any Number of such new or additional Shares so created by this Act, in Proportion to any original Share or Number of original Shares holden by such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, as shall be assigned to them under or by virtue of any Resolution of the Company of Proprietors; subject nevertheless to the Regulations and Restrictions herein-after contained: And such new or additional Shares, and the several Shares made and created by virtue of the said recited Act, shall, to all Intents and Purposes be, and they are hereby declared to be consolidated,

dated, and to be one and the same joint Stock and Property; and all Persons, Bodies Politic, Corporate and Collegiate, their several and respective Successors, Executors, Administrators, and Assigns; who have severally subscribed for One or more Share or Shares, or such Sum or Sums of Money as shall be called for and demanded for the Purposes of the said Act, and of this Act, and who shall severally subscribe for One or more Share or Shares, such Sum or Sums of Money as shall be called for or demanded for the Purposes of the said recited Act and this Act, shall respectively be entitled to and receive the entire and net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall or may arise or accrue from or by the respective Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors, by the Authority of the said recited Act and of this Act; and every Body Politic, Corporate and Collegiate, and Person, having such Shares and Property as aforesaid, shall bear and pay a proportionate Sum towards carrying on the said Works respectively, in Manner directed by the said recited Act and this Act.

II. And be it further enacted, That in case the said Company of Proprietors shall be desirous to borrow the said Sum of One hundred thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, it shall and may be lawful for the said Company of Proprietors to borrow and take up at Interest all or any Part of the said Sum of One hundred thousand Pounds, either by Way of Mortgage of the said Undertaking, and the Works thereunto belonging, and the Sums of Money arising or to arise to the said Company of Proprietors, by virtue of the said recited Act and of this Act, or any Part thereof, or by granting Annuities to be payable out of such Sums of Money during the natural Life or natural Lives of the Purchaser or Purchasers thereof, or of such Person or Persons as shall be nominated by and on the Behalf of such Purchaser or Purchasers, and redeemable or otherwise, in such Manner as the said Company of Proprietors shall think proper; and the said Company of Proprietors are hereby fully authorized and empowered, under their Common Seal, to grant or assign over the said Undertaking, and all the Works thereto belonging, and the Monies arising and payable to them for Water, by virtue of the said recited Act and of this Act, as a Security for the Repayment of any such Sum or Sums of Money so to be borrowed, with Interest for the same, or for the due and regular Payment of the said Annuity or Annuities so to be granted, as to them shall seem meet.

Power to
raise by
Mortgage or
Annuities.

III. And be it further enacted, That every such Grant or Assignment so to be given as a Security for any such Sum or Sums of Money so to be borrowed by Way of Mortgage, shall and may be made in the Words following, or in any other Words to the like Effect; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act, made and passed in the Fifty-third Year of His
‘ Majesty King *George* the Third, intituled [*here set forth the Title*
‘ *of this Act*] We, the Company of Proprietors of the *Manchester* and
‘ *Salford* Water-works, incorporated by and under an Act made and
‘ passed in the Forty-ninth Year of His said Majesty’s Reign, intituled
‘ *An Act for more effectually supplying with Water the Inhabitants of the*
‘ *Towns of Manchester and Salford, in the Parish of Manchester, in the*
‘ *County*

‘ *County Palatine of Lancaster*, 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, Admi-
 ‘ nistrators, and Assigns, the said Undertaking, 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 Acts or either of them, and all
 ‘ our Estate, 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

And all and every Person and Persons, Bodies Politic, Corporate, or
 Collegiate, Aggregate or Sole, to whom such Grant or Conveyance
 shall be made, shall be equally entitled to the respective Portions of the
 said Monies and Premises, according to the respective Sums in such
 Assignment mentioned to be advanced to secure the Repayment of
 such respective Sums, with Interest, without any Preference by reason
 of Priority of any Grant or Conveyance, or any other Account what-
 soever.

Form of
 Grant of
 Annuity.

IV. And be it further enacted, That every Grant of Annuity to be made
 as herein-before mentioned, shall and may be made in the Words or to the
 Effect following; (that is to say),

‘ **BY** virtue of an Act made and passed in the Fifty-third Year of
 ‘ the Reign of His Majesty King *George* the Third, intituled
 ‘ [*here set forth the Title of this Act*] We, the Company of Proprietors
 ‘ of the *Manchester and Salford Water-works*, incorporated by and under
 ‘ an Act made and passed in the Forty-ninth Year of the Reign of His
 ‘ said Majesty, intituled *An Act for more effectually supplying with Water*
 ‘ *the Inhabitants of the Towns of Manchester and Salford, in the Parish of*
 ‘ *Manchester, in the County Palatine of Lancaster*, in consideration of the
 ‘ Sum of to us paid by *A. B.*
 ‘ of do grant unto the said *A. B.*
 ‘ Successors or Executors, Administrators or Assigns, out of the
 ‘ Water Rates and yearly Sums of Money arising from the said Under-
 ‘ taking, One Annuity or yearly Sum of
 ‘ to be paid and payable to the said *A. B.* Successors,
 ‘ Executors, Administrators or Assigns, for and during the natural Life
 ‘ of and a proportionable Part
 ‘ of the said Annuity up to the Day of the Decease of the said
 ‘ redeemable by the said Company of Proprietors or their
 ‘ Successors [*as the Case may be*]. Given under our Common Seal
 ‘ this Day of in the Year of our
 ‘ Lord

And every such Grant shall entitle the Purchaser or Purchasers of every
 such Annuity to the Payment thereof, and to all Benefit and Advantage
 thereto accruing, according to the Purport, true Intent, and Meaning of
 this Act.

V. And be it further enacted, That a Transcript or Copy of every such Grant or Conveyance, or an Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money paid and thereby secured, shall, within Thirty Days from the Date thereof, be made in a Book or Books to be kept for that Purpose by the Clerk of the said Company; which Book or Books shall be perused at all seasonable Times, by any of the Proprietors of the said Undertaking.

Entries of Mortgages and Annuities to be made.

VI. And be it further enacted, That all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, to whom any such Grant or Conveyance shall be made as aforesaid, may from Time to Time, personally or by Attorney thereunto lawfully authorized, assign and transfer such Grant or Conveyance to any Person or Persons, Bodies Politic, Corporate, or Collegiate, and so *toties quoties*; and that the Assignment and Transfer may be made by Indorsement on such Grant or Conveyance, and in the Words or to the Effect following, and be signed and sealed, or sealed (as the Case may be), in the Presence of One credible Witness, who shall subscribe his Name and Place of Abode; (that is to say),

Mortgages and Annuities transferrable by Indorsement.

I *A. B.* [*or We C. and D.*] in consideration of the Sum of
 paid by *E. F.* of do hereby assign and
 transfer the within Security, and all my [*or our*] Right, Title, and
 Interest in and to the same, and all Benefit and Advantage to arise there-
 from, unto the said *E. F.* Executors, Administrators, and
 Assigns. Witness my Hand and Seal, [*or our Hands and Seals, or*
 our Common Seal] this Day of in the
 Year of our Lord

VII. And be it further enacted, That a Transcript or Copy of every such Transfer, or an Entry or Memorial thereof, shall, within Thirty Days from the Date thereof, be made and entered in like Manner as of the original Grants or Assignments; and after such Entry made, every Person or Persons to whom such Assignment or Transfer shall be made, his, her, or their Successors, Executors, Administrators, and Assigns, shall be entitled to the Benefit of such Grant or Assignment, and the future Payments thereon, and to all Benefit and Advantage arising therefrom; and for the Entry or Memorial of every such original Grant or Conveyance, and of every such Assignment and Transfer, the said Clerk shall be paid, by the Party to whom such Grant, Conveyance, or Transfer shall be made, the Sum of Two Shillings and Sixpence and no more.

Entries of Transfers to be made.

VIII. And be it further enacted, That the Interest of the Money which shall be borrowed on Mortgage, and the several Annuities so to be granted as aforesaid, shall from the Time the respective Principal Monies so to be lent or paid shall have been advanced, be paid Half-yearly to the several Parties entitled thereto, in Preference to any Dividends or Distribution to the said Company of Proprietors, or any of them, and shall be duly provided for and set apart, before such Dividend or Distribution shall be made or declared: Provided always, that no Person or Persons to whom any such Grant or Assignment, or Annuity, shall be made, given, granted, or transferred as aforesaid, shall be deemed a Proprietor or Proprietors of any Share or Shares, or be capable of acting or voting by virtue of

Interest and Annuities to be paid Half-yearly, in Preference to Dividends.

[*Loc. & Per.*]

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Mortgagees and Annuity-tants not to be considered as Proprietors of Shares.

any such Mortgage, Annuity; Assignment, or Transfer, at any Assembly or Meeting of the said Company of Proprietors, for or on account of his, her, or their having paid, advanced; or lent any Money on the Credit of the said Undertaking, and the annual Sums of Money arising or to arise therefrom.

Notice to be given of paying off Mortgages, &c.

IX. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, nor Annuity or Annuities so granted, shall be paid off, discharged, or redeemed, (save and except with the Consent of the Mortgagee or Mortgagees, Annuitant or Annuitants,) unless Six Calendar Months previous Notice, under the Common Seal of the said Company of Proprietors, shall have been given to such Mortgagee or Mortgagees, Annuitant or Annuitants, or left at his, her, or their last or usual Place or Places of Abode, of such their Intention to pay off and discharge or redeem the same.

Or by Bonds or Promissory Notes.

X. Provided always, and be it further enacted, That if the said Company of Proprietors shall think it more expedient to borrow such further Sum of One hundred thousand Pounds or any Part thereof, by Bonds or Promissory Notes under the Common Seal of the said Company, it shall and may be lawful for them so to do; and all such Bonds or Notes shall be made payable in such Manner, and at such Time or Times, and with such legal or less Rate of Interest, as the said Company shall think proper, and either with or without Power in the Holders of such Bonds or Notes to have an Option of being admitted to hold a Share of One hundred Pounds in lieu of the Principal Money thereby to be secured, or so much or such Parts thereof as the said Company of Proprietors, or their Court of Directors for the Time being, and the Person or Persons advancing such Money on the Security of the said Bonds or Notes, shall jointly agree upon; so nevertheless, that no Person be in any Case admitted to hold a Share of One hundred Pounds in lieu of a less Principal Sum of Money than One hundred Pounds advanced on the Security of such Bonds or Notes; the Particulars of such Options being at all Times expressed in the said Bonds or Notes; and the Rates and Sums of Money authorized to be taken, and which shall arise and be taken by virtue of this Act, shall be Security for any Sum or Sums of Money so to be borrowed as last aforesaid, with Interest to the Person or Persons who shall from Time to Time be entitled to such Securities, and the Principal Money and Interest thereby secured; and all Persons to whom any such Securities as aforesaid shall be given, shall be equally entitled to a Claim or Lien on the said Rates and Sums of Money, in Proportion to the respective Sums mentioned thereby to be secured and advanced, as if the same were advanced upon Mortgages or Assignments of the said Rates, or in the Purchase of Annuities in pursuance or by virtue of this Act, and without any Preference by reason of the Priority of Date of any such Securities, or on any other Account whatsoever; and the Interest of the Money to be so borrowed on Bonds or Promissory Notes as aforesaid, shall be paid in like manner Half-yearly, to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act, to the said Company of Proprietors, or to any of them.

Proprietors of Shares under the Act

XI. And be it further enacted, That each and every Proprietor of each and every Snare which shall or may be created by virtue of this Act, shall be

be entitled to such and the same Powers, Privileges, and Advantages, and shall be subject to such and the same Rules, Regulations, Restrictions, Penalties and Forfeitures, as if the Share or Shares so holden by him, her, or them, were Part of the Shares already created by virtue of the said recited Act made in the Forty-ninth Year of the Reign of His present Majesty, and now vested in the several and respective Proprietors of the said Undertaking; and the Admission of all and every Person and Persons to any such new Share or Shares, by any Order or Resolution of the said Company of Proprietors, or their Directors for the Time being, shall be and be deemed to be a good and effectual Title to such Person or Persons, and his, her, or their respective Executors, Administrators, or Assigns, on his, her, or their paying to the said Company of Proprietors, or their Treasurer or Treasurers for the Time being, the Purchase Money or Price agreed to be paid for such Shares respectively.

to be entitled to the same Powers, Privileges, and Advantages, as those under the Act 49 G. 3.

XII. And be it further enacted, That so much of the said recited Act of the Forty-ninth Year of the Reign of His present Majesty, as enacts, that when and as often as any Ground 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 Main Pipe, or Communication Pipe, by virtue of this Act, then and in every such Case the said Company of Proprietors or other Persons respectively shall fill or cause to be filled in such Ground, and the Rubbish occasioned by the opening or breaking up the same to be carried away as soon as conveniently may be, and in the meantime to cause such Ground to be fenced or guarded so that the same may not be dangerous to Passengers or Cattle; provided always, that if there shall be any wilful or negligent Delay in the said Company of Proprietors, or in any of the Agents or Servants of the said Company of Proprietors, or in 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 such Ground, or removing the Rubbish thereby occasioned, then and in every such Case the said Company of Proprietors, and such other Persons so offending respectively, shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day during the Continuance of such wilful or negligent Delay; shall be and the same is hereby repealed, and declared to be null and void, to all Intents and Purposes whatsoever.

Repealing Part of former Act relating to taking up Ground or Pavement.

XIII. And be it enacted, That when and as often as any Ground 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 Main Pipe, or Communication Pipe, by virtue of this Act, then and in every such Case the said Company of Proprietors or other Persons respectively, shall, with all reasonable Speed, fill in or cause to be filled in such Ground, and make good the same, and the Pavement or Flags thereof, as the Case may be, and in the meantime shall sufficiently and properly fence or guard, or cause to be fenced or guarded, such Ground, so that the same may not be dangerous to Passengers or Cattle, and shall, with all reasonable Speed, remove and carry away, or cause to be removed and carried away, the Rubbish occasioned by the opening or breaking up the said Ground: Provided always, that if there shall be any wilful, negligent, or unreasonable Delay in the said Company of Proprietors, or in any of the Agents or Servants of the said Company of Proprietors,

Penalty for not filling in Grounds broken up.

Proprietors, or in any such other Person or Persons, in laying down (after breaking the Ground for the Purpose) or in taking up or repairing any of the said Aqueducts or Main Pipes, or any of the said Communication Pipes, or in filling in and making good such Ground, and the Pavement or Flags thereof, as the Case may be, or in fencing the said Ground as aforesaid, or removing and carrying away the Rubbish occasioned by the opening or breaking up the said Ground, then and in every such Case the said Company of Proprietors, and such other Persons so offending respectively, shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day during the Continuance of such wilful, negligent, or unreasonable Delay as aforesaid.

Extending
the Provisions
of the former
Act to this
Act.

XIV. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Remedies, Clauses, Restrictions, Matters, and Things whatsoever, contained in the said recited Act, so far as the same are not expressly altered or repealed by this Act, shall extend and be construed to extend, operate, and be in force, with respect to the Monies allowed to be raised, and the additional Shares to be made and created by virtue of this Act, for the Purposes aforesaid, and to all other Cases, Matters, and Things whatsoever, which may happen or arise in the Execution of this Act, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever except as aforesaid, be construed as one Act.

Public Act.

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

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