Anno quarto

Georgii III. Regis.

An Act for ſupplying the Borough and Town of *Wigan*, in the County of *Lancaſter*, with freſh and wholeſome Water.



WHEREAS the Inhabitants of the Borough and Town of Wigan, in the County Palatine of Lancaſter, not only ſuffer many Inconveniencies, for Want of being ſupplied with a ſufficient Quantity of good and pure Water, for their neceſſary Occaſions; but great Loſſes have frequently happened by Fire, for Want of Water to extinguiſh the ſame, there being very little or no Water in the moſt populous and publick Part of the Preamble.

said Town: And whereas good and pure Water is capable of being conveyed into the said Town, so as to answer the several Purposes before-mentioned, from certain Springs in the publick Highway, called Wigan Lane, within the Township of Wigan aforesaid, and from a Well called the By-Well or Boy-Well, in a Piece of Waste Land within Wigan aforesaid: And whereas the Rector of the Parish and Parish Church of Wigan aforesaid, for the time being, is Lord of the Manor of Wigan aforesaid; and that Shirley Cotes being the present Rector of the said Parish and Parish Church, and, as such, Lord of the Manor of Wigan aforesaid, in Right of the said Church, and Sir Orlando Bridgeman Baronet, being the Patron thereof, are willing and consenting, that such Water, issuing from the several Springs before-mentioned, should be made use of for the Purposes aforesaid: And whereas Thomas Blinkhorn and Thomas Woltum, of Wigan aforesaid, are willing to undertake to bring Water from the said several Springs, at their own Expence, and to supply the Inhabitants of the said Borough and Town therewith, or such of them who shall be willing to contract and agree with the said Thomas Blinkhorn and Thomas Woltum, for the Use thereof: But, as such Undertaking cannot be carried on and compleated, unless Powers necessary for that Purpose be given by Parliament; May it therefore please Your most Excellent 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 from and after the First Day of May, One thousand seven hundred and sixty four, it shall and may be lawful to and for the said Thomas Blinkhorn and Thomas Woltum, their Heirs, Executors, Administrators, or Assigns, by their, or either, or any of their Servants or Workmen, to convey Water into the said Town of Wigan, from the several Springs within Wigan Lane, and the By-Well, or Boy-Well, before-mentioned, and to enter upon, dig, and break up the Soil of any publick Highway, or Street, or any Common, or Waste Ground, or any the private or several

Thomas Blinkhorn and *Thomas Woltum*, &c. to convey Water to *Wigan*.

several Grounds or Possessions of all Persons whomsoever, and Bodies Politick or Corporate, lying contiguous to the Places from whence the Waters of the said several Springs within Wigan-Lane, and the By-Well, or Boy-Well, before-mentioned, issue, in order to drain or collect the same; and to make a Reservoir, or Reservoirs, sufficient for the receiving and keeping such Water; and to erect Conduits, Water-houses, or Engines, necessary for distributing such Water into the several Parts of the said Town; and to lay under Ground Aqueducts and Pipes in such Manner, and through such Places, as shall be most convenient for conveying Water from such Reservoir, or Reservoirs, Conduits, Water-works or Engines, into the said Town, and supplying the Inhabitants thereof: And in like Manner, from time to time, and at all Times hereafter, to repair or alter such Reservoir, or Reservoirs, Conduits, Water-houses or Engines; and to repair or alter all, or any, of such Aqueducts or Pipes, when such Repair or Alteration shall be needful, for the more effectual conveying Water into the said Town, and supplying the Inhabitants thereof therewith, in Manner aforesaid.

and to make Reservoirs, Conduits, &c.

and to enter and dig in private Grounds, to lay Pipes, &c.

or to repair or alter the same.

And, that the carrying on and perfecting such Undertaking, may not be prejudicial to the Inheritance, Possession, or Profit of any Person, or Bodies Politick or Corporate; be it further enacted by the Authority aforesaid, That if the said Thomas Blinkhorn and Thomas Woltum, their Heirs, Executors, Administrators, or Assigns, shall not, or cannot make a perfect and valid Agreement with all Persons, or Bodies Politick or Corporate, interested in such private or several Grounds, for Licence to make such Reservoir, or Reservoirs, Conduits, or Water-houses, and to lay such Aqueducts and Pipes, and at all Times hereafter to repair or alter the same, the Sheriff of the said County Palatine of Lancaster, his Under-Sheriff or Deputy, is hereby authorized, upon the Request of the said Thomas Blinkhorn and Thomas Woltum, or either of them, their or either of their Heirs, Executors, Administrators, or Assigns, to the said Sheriff for that Purpose made, to summon before him the said Sheriff, his Under-Sheriff,

If any Disputes arise, the Sheriff, &c. may summon a Jury to settle the same;

riff, or Deputy, a Jury of Twelve or more indifferent Men of the Neighbourhood not interested in the said Undertaking, or in any of the Lands on which the said Reservoir, or Reservoirs, are to be made, or such Conduits, Water-houses, or Engines, shall be erected, or through which the said Water is so to be conveyed; which Jury, upon the Examination of Witnesses upon Oath (which Oath the said Sheriff, his Under Sheriff, or Deputy, or any of them, are hereby authorized and required to administer) shall by their Verdict determine what Satisfaction any such Person, Corporation, or Body Politick or Corporate, with whom no such Agreement shall have been made as aforesaid, shall be allowed, and have in respect of the Damage and Loss which he, she, or they may sustain by such entering into, digging and breaking up of the Soil in such private or several Grounds, in order to make the said Reservoir or Reservoirs, or to erect such Conduits, Water-houses, or Engines, or to lay the said Aqueducts or Pipes, as also to repair or alter the same at any Time hereafter; and to assess and proportion the same, according to the several and respective Estates and Interests of any such Person, Corporation, or Body Politick, in the said Grounds so to be entered into, digged, broken up, or otherwise made use of; Notice being first given by Papers publickly affixed and set up at the South Door of the Parish Church of Wigan aforesaid, and also left at the several Dwelling-houses of the several Occupiers of the Land through which the said Water is to be conveyed, or otherwise to be made use of for the Purposes aforesaid, One Month at least before such Enquiry; which Determination so made, shall be binding to all Parties therein concerned, in Possession, Reversion, or Remainder, or otherwise, as well Infants as Femes Covert, and others, and their Heirs, Executors, Administrators, or Assigns, and all and every other Person and Persons whomsoever, claiming by, from, or under him, her, or them.

and give Satisfaction for Damages.

Undertakers not to dig in private Grounds 'till they have satisfied the Owners.

Provided always, That until Payment of such Satisfaction as shall be so agreed to be paid, or shall be so ascertained and assessed by Verdict, to or for the Use of the several Persons or Bodies Politick, to whom

whom Satisfaction shall be so agreed or determined to be made, or until Tender thereof made to every such Person or Body Politick, his, her, or their known Agents or Receivers, or until Payment thereof to the said Sheriff, his Under Sheriff, or Deputy, to and for the Use of such Persons and Bodies Politick, it shall not be lawful for the said Undertakers, or either of them, their or either of their Heirs, Executors, Administrators, or Assigns, Workmen or Servants, by virtue of this Act, to enter on, dig, break up, or make use of any Part of the private or several Grounds of any Person, or Body Politick whatsoever, in order to collect the said Springs, or make the said Reservoir or Reservoirs, or erect the said Conduits, Water-houses, or Engines, or to lay the said Aqueducts or Pipes; any thing herein contained to the contrary notwithstanding.

Undertakers to make good the Grounds, after laying their Pipes.

And be it further enacted by the Authority aforesaid, That the said Thomas Blinkhorn, and Thomas Woltum, their Heirs, Executors, Administrators, or Assigns, shall not in making the said Reservoir or Reservoirs, Water-houses, or Conduits, or in laying the said Aqueducts and Pipes, or hereafter in repairing or altering the same, or otherwise in carrying on the said Undertaking, break up Ground any deeper, or in any other Manner, than shall be absolutely necessary: And that the said Thomas Blinkhorn and Thomas Woltum, their Heirs, Executors, Administrators, and Assigns, shall, as soon as may be, after such Ground shall be broken up, at their Costs and Charges cause the same to be filled up, levelled, and made as good again as the same was before such Ground was broken up; And, if any Road or Pavement shall be broken up in the Execution of this Act, they shall repair the same, and by all Ways and Means contrive and order that such Undertaking be carried on with as little Damage and Annoyance, to the Owners and Possessors of such Grounds, as may be.

Penalty on Persons hindering the Workmen breaking Ground, after Satisfaction made.

Provided always, and be it enacted by the Authority aforesaid, That from and after such Payments made for Satisfaction as aforesaid, if the said Thomas Blinkhorn and Thomas Woltum, or either of them, their or either of their Heirs, Executors, Administrators, Assigns, Agents, or Workmen, shall be prohibited

ed at any Time hereafter, to enter into, dig, or break up, for the Intents aforesaid, any such private or several Grounds, or to make such Reservoir or Reservoirs, Conduits, or Waterhouses, or to lay such Aqueducts or Pipes, or at any Time or Times hereafter, to repair or alter the same, or be otherwise resisted, interrupted, or molested in the Execution of the said Undertaking, by any Owner, Possessor, or Occupier of such Ground, or his, her, or their Minister, Officer, Agent, or Servant, or any other Person or Persons whomsoever, every such Person so prohibiting, resisting, interrupting, or molesting the said Undertakers, or either of them, their, or either of their Heirs, Executors, Administrators, Assigns, Servants, Agents, or Workmen, contrary to the true Intent and Meaning of this Act; and being thereof convicted, upon Oath, before Two or more of His Majesty's Justices of the Peace for the said County of Lancaster, shall forfeit and pay to the said Undertakers, or the One of them, their, or the One of their Heirs, Executors, Administrators, or Assigns, for every such Offence, the Sum of Ten Pounds; to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of the said Justices, rendering the Overplus (if any) to the Owner on Demand.

Remedy for recovering the Money to be agreed on with the Undertakers for making use of the Waters.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, who shall hereafter contract or agree with the said Thomas Blinkhorn and Thomas Woltum, or either of them, their, or either of their Heirs, Executors, Administrators, or Assigns, for the Liberty, Privilege, or Use of the Water, or any Part thereof, so to be brought or conveyed into the said Town of Wigan, for any Sum or Sums of Money, to be paid yearly, or otherwise, for the same; and that such Sum or Sums of Money, so agreed on as aforesaid, shall be behind and unpaid, by the Space of Twenty one Days next after the same shall become due, the same having been first lawfuly demanded; that then, and in such Case, and as often as the same shall so happen, it shall and may be lawful to and for the said Thomas Blinkhorn and Thomas Woltum, or either of them, their, or either of their Heirs, Executors, Administrators, or Assigns, to make Distress

of

of the Goods and Chattles of such Person or Persons, who shall neglect or refuse to pay such Sum or Sums of Money, so contracted or agreed for, as aforesaid; and, that in case the same shall not be paid within the Space of Five Days next after such Distress made, together with the Charges thereof, that then it shall and may be lawful to and for the said Thomas Blinkhorn and Thomas Woltum, or either of them, their Heirs, Executors, Administrators, or Assigns, to sell and dispose of the said Goods and Chattles, so distrained, or so much thereof as shall be sufficient to raise and pay such Sum or Sums of Money, as shall be then due and owing on the Account before-mentioned, together with all Costs and Charges attending the same.

Liberty to make use of the Water *gratis*, in Cases of Fire.

Provided always, and be it further enacted by the Authority aforesaid, That if any Fire shall, at any Time or Times, hereafter happen or break out in any House, Out-building, or other Building, within the said Borough or Town of Wigan aforesaid, that then, and so often as the same shall happen, it shall and may be lawful to and for any Person or Persons whatsoever, who shall be aiding and assisting thereat, to make use of the Water, so intended by this Act to be brought or conveyed into the said Town, for and towards extinguishing such Fire, and for the supplying, on every such Occasion, the Water Engines lately given by the present Members of Parliament for the said Borough, for the Use of the Inhabitants thereof, or any other Water Engines, for the extinguishing Fires, without any Recompence or Consideration whatsoever to be paid to them the said Thomas Blinkhorn and Thomas Woltum, or either of them, their, or either of their Heirs, Executors, Administrators, or Assigns, for the Use of such Water, for the several Purposes herein before last-mentioned; any thing herein before contained to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Lancaster, and not elsewhere;

where; 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 the same shall appear so to be done, or that such Action or Suit shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

Genral Issue.

Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers and Authorities herein contained, shall be deemed to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Publick Act.

FINIS.