



ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

Cap. clxxxvi.

An Act for enabling the Local Board of Health for the Borough of *Wigan* to abandon a Portion of their Waterworks, and to construct and maintain other Waterworks ; and for other Purposes.

[6th *August* 1860.]

WHEREAS by "The *Wigan* Waterworks Act, 1853," (which Act was in part repealed and altered by "The Local Government Supplemental Act, 1859," No. 2,) the Local Board of Health for the Borough of *Wigan* (herein-after called the Board) were authorized to purchase the Lands, Works, Rights, Powers, and Privileges of the *Wigan* Waterworks Company, and to construct other Waterworks, and to provide a better Supply of Water for the said Borough, and the Board accordingly purchased such Lands, Works, Rights, Powers, and Privileges, and constructed a Reservoir and Waterworks, but it has since become expedient that the said Board should be enabled to abandon a Portion of such Reservoir and of the Works connected therewith and to construct a new Reservoir and other Works, and to raise the Water Level of a Portion of the said present Reservoir, and to divert the Stream of the River *Douglas*, and to divert a Portion of the Millrace of the *Worthington* Paper Mill and to construct a new

[*Local.*] 32 P Millrace

16 & 17 Vict.
c. lxxvii.

The Wigan Waterworks Act, 1860.

Millrace in lieu thereof, and to divert the *Seven Stars Brook* and to impound and prevent the Pollution of the Water of the said Brook and of all other Brooks, Streams, and Springs flowing upon the Site of or into any of the said Waterworks, and to acquire the whole or any Portion of or Interest in the Conduit called the *Whitley Conduit* and to prevent any Pollution of or Interference with the Water of the same, and that the Board should be released from certain Obligations and Restrictions which interfere with the Objects and Purposes of the first-mentioned Act: And whereas it is also expedient to enable the Board to acquire a certain Market and a certain Fair respectively held within the said Borough, and also any Manorial Rights legally exerciseable within the said Borough, and otherwise to enable the Board to carry into full and complete Effect the Objects of the said recited Act and of this Act; but for the Purposes aforesaid the Authority of Parliament is necessary: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Short Title. I. This Act may be cited for any Purpose as "The *Wigan Waterworks Act, 1860.*"

Interpre-
tation of
Terms. II. In this Act the Expression "the Board" shall mean the Local Board of Health for the Borough of *Wigan* in the County Palatine of *Lancaster*; and the Expression "The Public Health Acts" shall mean "The Public Health Act, 1848," the several Acts passed prior to the Year 1858, amending the same, and "The Local Government Act, 1858;" and in this Act and in the Acts incorporated herewith the Expression "Quarter Sessions" shall mean the General Quarter Sessions of the Peace for the Borough of *Wigan* in the County Palatine of *Lancaster* held at *Wigan*; and the Word "Owner" shall have the same Meaning assigned to it as is assigned to it in "The Public Health Act, 1848;" unless there shall be something in the Subject or Context repugnant to such Construction.

Act to be
executed by
Board. III. This Act shall be executed by the Board with the Powers and Indemnities and according to the Provisions of "The *Wigan Waterworks Act, 1853,*" and of the Acts incorporated therewith, and of "The Local Government Supplemental Act, 1859," (No. 2.), and of "The Public Health Acts;" and the Public Health Acts shall in relation to the Board be read and construed as if the Purposes and Provisions of this Act were Purposes and Provisions of "The Public Health Act, 1848," so far as the same shall be applicable thereto, and except so far as any of the Provisions of the Acts herein-before referred

The Wigan Waterworks Act, 1860.

referred to are expressly varied, altered, or otherwise provided for by this Act.

IV. "The *Wigan Waterworks Act, 1853*," and the Acts incorporated therewith, except the Sections in "The *Waterworks Clauses Act, 1847*," numbered from 75 to 83 both inclusive, and "The *Local Government Supplemental Act, 1859*," (No. 2), shall be incorporated with and form Part of this Act, except so far as the same Acts respectively or either of them or any Part or Parts thereof respectively are expressly varied, altered, or otherwise provided for by this Act.

Certain Acts herein named incorporated with this Act.

V. The several Words and Expressions to which by any of the Acts incorporated herewith Meanings are assigned shall in this Act have the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Same Meanings to Words in incorporated Acts as this Act.

VI. All Lands and Premises, Rights, Easements, Powers, and Privileges which shall be purchased, hired, or taken by the Board under the Powers of this Act may be conveyed, demised, granted, and assured to the Board and their Successors in trust for the Purposes of this Act and of "The *Wigan Waterworks Act, 1853*," and shall be accepted, taken, and held by them as a Body Corporate.

Lands, &c. to be held by Board as a Body Corporate.

VII. Whereas Plans and Sections showing the Site, Line, and Levels of the Reservoir and Works proposed to be constructed for the Purposes of this Act, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers or reputed Owners, Lessees, and Occupiers of the Lands and Streams on, in, or through which the same are intended to be made or to pass, or which are or may be required for the Purposes of this Act, were, in the Month of *November* One thousand eight hundred and fifty-nine, deposited with the Clerk of the Peace for the County Palatine of *Lancaster*: Therefore it shall be lawful for the Board, subject to the Provisions and Restrictions in this Act and the Acts incorporated herewith contained, to construct, make, and maintain the several Works following; (that is to say,)

Power to construct Works, &c. according to deposited Plans.

A Reservoir and Works with all necessary and proper Conduits, Pipes, Dams, Filter Beds, Works, and Conveniences connected therewith in the Line and on the Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference:

To divert the Stream of the said River *Douglas* from its present Course from the Southern End of the Tunnel, constructed under the

the

The Wigan Waterworks Act, 1860.

the Powers of "The *Wigan Waterworks Act, 1853*," in the Township of *Haigh* to a Point at or about Three Chains from the Northern End of the Reservoir and Filter Beds belonging to and forming Part of the said *Worthington Paper Mills*; and for the Purpose of such Diversion to make, construct, and maintain in the Line and on the Levels and upon the Lands delineated and described as aforesaid such Cut or Cuts, Tunnel or Tunnels, and other Works as shall be necessary or convenient:

To divert such Portion of the Millrace or Watercourse belonging to the said *Worthington Paper Mills* as passes through the hereinbefore described Site of the said new Reservoir, and to construct in manner delineated as aforesaid a new Millrace or Watercourse together with such proper Weirs, Sluices, Bye Washes, and Works as may be necessary at and from the Southerly End of the said new Reservoir to a Point where the present Millrace or Watercourse terminates at or near the same Mill:

To raise and maintain the Water Level of the remaining Portion of the said present Reservoir not intended to be abandoned as aforesaid to the further Height of Thirteen Feet or thereabouts:

To make and maintain in the Line and on the Levels and upon the Lands delineated and described as aforesaid a Conduit or Watercourse, either open or closed, or partly open and partly closed, as the Board shall from Time to Time think fit, for the Purpose of diverting and straightening the Course of the said Stream called "*The Seven Stars Brook*" (otherwise *Buckow Brook*, otherwise *Crew Brook*, otherwise *Adlington Brook*, otherwise *Hicbibi Brook*), which now runs into the said present Reservoir, such Conduit or Watercourse to commence in the Bed of the said Brook in a Field about Sixteen Chains on the Westerly Side of *Coppull Mill Bridge* in the Township of *Worthington* and to terminate by a Junction with the said present Reservoir on the Northerly Side thereof near the Point where the said Brook joins the River *Douglas* in the Township of *Worthington*, and for all or any of the Purposes aforesaid to purchase, enter upon, take, and use such of the Lands, Streams, and Waters delineated on the said Plans and referred to in the said Book of Reference as shall be necessary or expedient for such Purposes respectively, or any Easement, Right, Privilege, Power, or Authority in or over the same.

Limits of
vertical
Deviation.

VIII. In making any of the Works by this Act authorized, the Board may deviate vertically from the Levels thereof as shown on the Sections deposited as aforesaid to any Extent not exceeding Three Feet in Cases of Reservoirs, and Five Feet in other Cases.

IX. That

The Wigan Waterworks Act, 1860.

IX. That the Compensation Water shall be delivered into the Conduit leading to the Reservoir of the *Worthington* Paper Mill at the same Level at which it would be delivered from the Gauge Basin now constructed for the Purpose of measuring such Compensation Water; and no Deviation shall be made in the Level of the Goit leading to the *Worthington* Paper Mill, and conveying the Water of the River *Douglas*.

Levels of Delivery of Water to *Worthington* Mill not to be altered.

X. Subject to the Provisions of this Act, it shall be lawful for the Board from Time to Time and at all Times when they shall think fit to take, collect, impound, store up, and divert into and in their said present Reservoir and intended new Reservoir and other Works the Water of the *Seven Stars Brook* aforesaid and the Waters of all or any Brooks, Streams, Rivulets, Springs, or Drains flowing into the said *Seven Stars Brook*, or upon the Site of any of the Works shown on the said deposited Plans, or which may be intercepted or collected by any of the said Works, and to prevent the Pollution of or any Interference with any such Water or Waters, and from Time to Time to draw off and use the Water so stored up for the Purposes of this Act, and for any of the Purposes aforesaid to alter and divert the Course of all or any of the said Brooks, Streams, Rivulets, Springs, or Drains, or of their respective Tributaries, to the Extent shown on the said Plans.

To take Water of *Seven Stars Brook*, &c.

XI. It shall be lawful for the Board to abandon so much of the said present Reservoir constructed under the Powers of "The *Wigan Waterworks Act, 1853*," and of the Works connected therewith, as lies to the North of an imaginary Line drawn upon the deposited Plans referred to in the last-mentioned Act, commencing from the Figure 11 on the Third Sheet of the said Plans in the Township of *Adlington*, and extending in a straight Direction to the Figure 20 on the same Plans in the Township of *Worthington*; and which said Portion of the said Reservoir and Works so to be abandoned has been constructed upon the Properties numbered upon the said last-mentioned Plans 1, 2, 3, 4, 5, 6, and 7 in the Township of *Adlington*, and 19, 20, 21, 22, 23, 24, 25, 26, 27, 27A, 28, 29, 30, 31, and 32 in the Township of *Worthington*, or some of them or some Portions of such Properties; and such Portion of the said Reservoir so to be abandoned is coloured Brown upon the Plans herein-before mentioned as deposited with the Clerk of the Peace for the said County Palatine in the Month of *November* One thousand eight hundred and fifty-nine.

Power to abandon Part of present Reservoir.

XII. The Board may and they are hereby empowered to demand and take the same Rates for a Supply of Water under this Act as they are
[Local.] 32 Q empowered

As to Rates to be taken for Supply of Water.

The Wigan Waterworks Act, 1860.

empowered to demand under the *Wigan Waterworks Act, 1853*; and the several Provisions of the last-mentioned Act with respect to a Supply of Water shall be held to apply to this Act and to the Works thereby authorized.

Power to purchase Lands by Agreement.

XIII. The Board may from Time to Time purchase by Agreement with the Owner or Owners thereof, and on such Terms and Conditions as they may think fit, any other Lands, not exceeding Ten Acres, and any Ways or any Easement, Right, Power, or Privilege in, over, or affecting any Lands which they may think requisite for any of the Purposes of this Act; but this Power shall not extend to Streams or running Water, or any Easement, Right, Power, or Privilege in, over, or affecting the same, and any Agreement already entered into by the Board with the Rector and Lord of the Manor of the Borough of *Wigan* for the Purchase by the Board of any such Lands, Easements, Rights, Powers, or Privileges for any of the Purposes of this Act may and shall be carried into effect.

Incapacitated Persons may make Grants of Ways, &c.

XIV. The Persons by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey Lands shall have full Power to make to the Board Grants of any Rights of Way or other Easements, Rights, Powers, and Privileges in, over, and affecting any Lands in Fee Simple in consideration of an annual Rentcharge; and the Board may secure any such Rentcharge by all usual and proper Powers of Distress or otherwise.

Rents, &c. in Grants from incapacitated Persons.

XV. In every such Grant made by any Person under Disability to sell and convey Lands as defined by "The Lands Clauses Consolidation Act, 1845," there shall be reserved the best or most usual yearly Rent or Remuneration for or in respect of the Premises thereby granted that could be had or gotten for the same; and no Fine, Premium, or Foregift shall be paid upon or in respect of such Grant, such Rent or Remuneration being not less than shall be determined by Two able practical Surveyors, or their Umpire, in accordance with the Ninth Section of "The Lands Clauses Consolidation Act, 1845:" Provided always, that the Board may at any subsequent Time purchase the Release or Discharge of the Rent or Remuneration, Covenants, and Stipulations reserved by and contained in any such Grant.

Annual Rent to enure to same Uses as Land, &c. granted.

XVI. The Rent or Remuneration paid or reserved in respect of any such Grant shall be and remain upon and for the same Uses, Trusts, and Purposes as those upon and for which the Rents and Profits of the Land so granted, or in respect of which such Easement, Liberty, Privilege, Power, or Authority is granted stood settled or assured at or immediately before such Grant.

XVII. Every

The Wigan Waterworks Act, 1860.

XVII. Every such yearly Rent shall be charged upon the Rates for Water supplied or Water Rents payable under this Act in preference to any Charge whatsoever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable and after Demand thereof in Writing the Person to whom the same is payable may either recover the same from the Board, with Costs of Suit, by Action of Debt in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Board.

Rents to be First Charge.

Remedies for Recovery thereof.

XVIII. Upon any Sale by the Board under the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to superfluous Lands, of any Lands or Hereditaments purchased by them under the Powers of this or the recited Acts, the Board may reserve to themselves all or any Part of the Water or Water Rights and other Easements thereto belonging, and may sell such Lands and Hereditaments, subject to such Reservations, and also subject to such special Conditions, Restrictions, and Provisions with reference to Use of Water, and for preventing the Exercise of noxious Trades and Businesses upon the Premises, and for preventing or regulating the Discharge and Deposit of Manure, Sewage, and other impure Matter and Liquids as they may think fit.

Restrictions may be imposed upon a Sale of Property.

XIX. The Powers of the Board for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

XX. The Works by this Act authorized and shown on the deposited Plans shall be completed within Seven Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Board for making those Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; but nothing in this Act contained shall prevent the Board from executing Works for the Distribution of Water and extending their Mains and Pipes for the Supply of Water according to the Provisions of this Act and any Act incorporated herewith from Time to Time as Occasion shall require.

Period for Completion of Works.

XXI. That before the said Local Board of Health shall be entitled at any Time to supply Water to the Inhabitants of *Wigan* from and out of any Reservoir constructed or to be constructed under and by virtue of the Powers of this Act, or of "The *Wigan* Waterworks Act, 1853," they shall discharge and for ever after continue to discharge from and out of the said Reservoir or Reservoirs and Works into and for the Use of the *Worthington* Paper Mill, and after User by the Occupier of the said Mill into the Stream of the River *Douglas*, in the Manner mentioned in the said

For Protection of the Mill-owners and the Leeds and Liverpool Canal.

The Wigan Waterworks Act, 1860.

said "*Wigan Waterworks Act, 1853*," or this Act, a Quantity of Water after the Rate of Five hundred and fifty-five Gallons *per Minute* constantly, such Quantity to be ascertained by means of a Gauge or Gauges to be constructed and maintained in the Manner provided with regard to Gauges in "*The Wigan Waterworks Act, 1853*," Section Twenty-one.

Supply for trading and manufacturing Purposes by Agreement.

XXII. It shall be lawful for the Board to supply any Person with Water for trading or manufacturing Purposes, or for any Purposes other than domestic Purposes, at such Rate or Price and upon such Terms and Conditions as shall be agreed upon between the Board and the Persons desirous of having such Supply of Water.

Power for Justices to inquire as to Danger of Reservoir.

XXIII. And in order to provide against Accidents to Life or Property by the bursting of any Reservoir authorized to be made under the Provisions of this Act: Be it enacted, That whenever any Person interested complains to Two Justices that such Reservoir is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of the Complaint: Provided always, that any Two Justices on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Order of Justices for immediate Repair.

XXIV. If on any such Inquiry or View the Justices be satisfied that the Complaint is well founded and that such Reservoir as aforesaid is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint or Danger, they shall order such Person as they think fit to enter on the Property of the Board held under this Act and to lower the Water in such Reservoir and to do all such Works and Things as the Justices shall think requisite and proper for removing the Cause of Complaint or Danger.

Order of Justices after Summons on Board to repair Reservoir.

XXV. If on such Inquiry the Justices be satisfied that there is due cause for Inquiry, but are not satisfied that the Reservoir is in such imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Board to answer the Complaint; and upon hearing the Parties the Justices may, or upon Default of Appearance of the Board the Justices shall, by Order in Writing under their Hands order the Board, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in such Reservoir and to do such Works and Things as they think requisite and proper for removing the Cause of Complaint or Danger.

XXVI. If

The Wigan Waterworks Act, 1860.

XXVI. If in any such Case the Board shall not within such Period as the Justices specify in that Behalf in the Order do the Works and Things thereby ordered for removing the Cause of Complaint or Danger, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Board, shall order such Persons as the Justices think fit to enter on the Property of the Board held under this Act and to lower the Water in the Reservoir and to do all such other Works and Things specified in the Order, and not done by the Board, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of Complaint or Danger.

Order of Justices on Failure of Board to obey Order.

XXVII. Any such Order of Justices may be in the Form or to the Effect following :

Form of Order.

‘ To the Local Board of Health for the Borough of Wigan [or To
 ‘ A. B. of , &c.]
 ‘ WE, the undersigned, Two of Her Majesty’s Justices of the Peace,
 ‘ acting for the County Palatine of Lancaster, do hereby order and
 ‘ direct you, [and such Person or Persons as you may require to aid
 ‘ and assist you therein], forthwith to lower the Water in the [here
 ‘ describe the Reservoir in which the Water is to be lowered], and
 ‘ to do all such Works and Things as are requisite to repair and make
 ‘ good, [here describe the Reservoir], [and you shall do as little
 ‘ Injury as possible to the Property of the said Local Board], and
 ‘ in acting in obedience to the Premises this shall be your sufficient
 ‘ Warrant.

‘ Given under our Hands, this Day of in the Year
 ‘ of Our Lord One thousand eight hundred and

XXVIII. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Persons acting under Order of Justices not to be Trespassers.

XXIX. If the Justices so think fit they may by any such Order under this Act impose on the Board for not carrying any such Order into effect any Penalty not exceeding Ten Pounds for every Day’s Default which the Justices may think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Person to remove the Cause of Complaint.

Justices may impose Penalty on Board for not obeying Order.

The Wigan Waterworks Act, 1860.

Order of
Justices on
Board for
Payment of
Costs.

XXX. The Justices may order all or such Part as they think fit of the Costs of and incident to the applying for and obtaining of any Order, and also all or such Part as the Justices think fit of the Expenses of the Works, and anything done in pursuance of any such Order by any Person other than the Board to be paid by the Board, and every Amount so to be paid shall be paid by the Board to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Appeal by
Board.

XXXI. Provided always, That if the Board feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices, on any such Complaint, the Board shall have the like Power of Appeal as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far, if at all, as on the Appeal it be quashed or altered, the Order appealed against shall be in force.

Board not
to be
responsible
for conse-
quences of
Order.

XXXII. Provided always, That the Board shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under this Act or the Acts incorporated herewith, or any of them, which may be occasioned in or by or result from the Execution of any such Order as aforesaid.

Vesting
Whitley
Conduit in
Board.

XXXIII. And whereas Doubts have arisen as to the Ownership of the Conduit or Stream of Water situate in the Township of *Standish* with *Langtree* and *Wigan* and called or known as the *Whitley* Conduit, except of such Part thereof as has been transferred to and vested in the Board by the Right Honourable *Edward Cardwell*; and except of such other Part thereof as belongs to *Charles Standish* Esquire, or his Trustees; and it is expedient that such Doubts should be removed, and that the said Conduit, except such Part thereof as belongs to the said *Charles Standish* or his Trustees, should be absolutely vested in and placed under the Control of the Board: Therefore, from and after the passing of this Act, such Conduit, except such Part thereof as belongs to the said *Charles Standish* or his Trustees, shall be the Property of the Board; provided nevertheless, that if any Person or Persons can establish any Right to such Part of the said Conduit as to the Ownership of which Doubts have arisen as aforesaid, or to any Portion of such Part, the Board shall purchase the Rights and Interests of such Person or Persons in the Manner prescribed by "The
Lands

The Wigan Waterworks Act, 1860.

Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement.

XXXIV. And whereas it is expedient that the said Board should be at liberty to purchase the Rights and Interests of the said *Charles Standish* or his Trustees in such Part of the said *Whitley Conduit* as belongs to them as aforesaid, and of the Waters passing to or through the same, or which may be taken under the Powers of this Act: Therefore, from and after the passing of this Act, the Board shall be at liberty to purchase the Rights and Interests of the said *Charles Standish* or his Trustees in such Part of the said Conduit as belongs to them, and in such Waters as aforesaid, together with the necessary Easement through the Lands of the said *Charles Standish* or his Trustees for the Maintenance of such Conduit or Stream in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement.

Power to purchase Rights of C. Standish in Whitley Conduit.

XXXV. It shall and may be lawful to and for the said *Charles Standish*, his Heirs and Assigns, and the Owner or Owners for the Time being of *Standish Hall*, by themselves respectively and with their respective Friends, and also to and for other the Occupier or Occupiers for the Time being of *Standish Hall*, with his and their Friends but nevertheless, as to such other Occupier or Occupiers, with the Consent in Writing of the said *Charles Standish*, his Heirs and Assigns, or other the Owner or Owners for the Time being of *Standish Hall*, first obtained, from Time to Time and at any Time or Times hereafter to keep and use a Pleasure Boat, and to angle and sport in, over, and upon all or any Part of the proposed impounding Reservoir by this Act authorized to be constructed, and for that Purpose within or upon any of the Lands, Streams, or Hereditaments, of which the said *Charles Standish* is now the Owner, and to construct a Boat House or Shed thereupon; but so nevertheless, that neither the said *Charles Standish*, his Heirs or Assigns, or other the Owner or Occupier for the Time being of *Standish Hall*, shall be allowed to send any Dog or other Animal to hunt or retrieve Game, or to do any other Act whereby the Water in the said Reservoir shall be fouled.

To enable Standish to keep a Pleasure Boat, &c. on Reservoir.

XXXVI. The Fifteenth Section of "The *Wigan Waterworks Act*, 1853," shall be read and construed to extend to and include the Reservoir and Works by this Act authorized, so far as the same relates to the Storage Capacity therein mentioned.

Quantity of Water to be stored in Reservoirs.

XXXVII. That

The Wigan Waterworks Act, 1860.

Penalty for
Failure of
Discharge of
Compensa-
tion Water.

XXXVII. That in case of any Failure, Neglect, or Default by or in consequence of which the Quantity of Water hereby required to flow or be discharged over or through the said Weirs or Gauges, shall not so flow or be discharged, the Local Board of Health shall, for and during every Day on which such Failure or Neglect or Default shall occur, forfeit and pay by way of Penalties to the Occupiers of the said Mills and Works, and of each of them who shall have actually received or sustained Damage or incurred Loss by reason of such Failure, Neglect, or Default as aforesaid, and who may sue for and recover the same, the Sum of Ten Pounds "together with the Amount of Damage or Loss which shall be proved to have been sustained by such Occupiers in any Court of competent Jurisdiction," but the Board shall not be liable for such last-mentioned Damage or Loss in case of inevitable Accident beyond the Control of the said Board.

Preventing
Pollution of
Waters.

XXXVIII. Save in so far as is provided by the Eleventh Section of "The *Wigan Waterworks Act, 1853*," or by this Act, it shall not be lawful for any of the Persons mentioned in "The *Wigan Waterworks Act, 1853*," nor for any other Person whomsoever to turn, discharge, or permit to flow into the said *Buckow Brook*, otherwise called the *Adlington Brook*, or into any Brook, Ditch, or Stream connected therewith any Waters from any Mines or Surface Drains, or otherwise in any way whatsoever to pollute or render unfit for domestic Purposes the Water of the said Brook, or any Waters to be used by the Board for the Purposes of the said Act or of this Act.

Saving
Rights of
Earl of
Crawford
and Bal-
carres.

XXXIX. Provided always, That nothing in this Act contained shall in any Manner prejudice, diminish, alter, or otherwise affect all or any of the Rights, Liberties, Privileges, Immunities, Powers, Franchises, or Authorities given, granted, preserved, or otherwise secured to the Right Honourable *James Earl of Crawford and Balcarres*, his Heirs or Assigns, in and by the Sixteenth Section of "The *Wigan Waterworks Act, 1853*."

Saving
Rights of
Trustees of
John Penson
and Wife.

XL. Nothing in this Act contained shall in any Manner prejudice, diminish, alter, or otherwise affect all or any of the Rights, Liberties, Privileges, Immunities, Powers, Franchises, or Authorities given, granted, preserved, or otherwise secured to *Arthur Heron and Henry Whitaker*, Esquires, Trustees of the Estates of *John Penson and Molly* his Wife deceased, in and by the Thirteenth Section of "The *Wigan Waterworks Act, 1853*."

XLI. Whereas

The Wigan Waterworks Act, 1860.

XLI. Whereas the Right Honourable *Edward Cardwell* of *Eaton Square* in the County of *Middlesex* is now or claims to be the Owner of the Manors, Messuages, Farms, Lands, Tenements, Springs, and Streams of Water, Mines, Minerals, Metals, Stone, Hereditaments, and Premises of which *James Cardwell* Esquire, deceased, is by the Eleventh Section of "The *Wigan Waterworks Act, 1853*," declared to be or claims to be seised, and the said *Edward Cardwell* is or claims to be also the Owner of divers other Lands, Streams, and Minerals also situate at *Coppul* in the County of *Lancaster*, and is or claims to be also the Owner conjointly with the Trustees of the Will of *James Anderton*, Esquire, deceased, of divers other Lands, Streams, and Minerals situate at *Worthington* in the said County of *Lancaster*: Be it therefore enacted, That the said *Edward Cardwell* his Heirs and Assigns, as to the said other Lands, Streams, and Minerals at *Coppul*, and the said *Edward Cardwell* and the said Trustees and the respective Heirs and Assigns of the said *Edward Cardwell* and of the said Trustees as to the said Lands, Streams, and Minerals at *Worthington*, shall respectively be entitled to all such Rights, Liberties, Privileges, Immunities, Powers, Franchises, and Authorities (if any) as the said *James Cardwell*, his Heirs and Assigns would be entitled to under the said Eleventh Section if the said other Lands, Streams, and Minerals at *Coppul*, and all the said Lands, Streams, and Minerals at *Worthington*, had at the Date of the passing of the said "*Wigan Waterworks Act, 1853*," been the Property of the said *James Cardwell*, and formed Part of the Manors, Messuages, Farms, Lands, Tenements, Springs and Streams of Water, Mines, Minerals, Metals, Stone, Hereditaments, and Premises of or to which the said *James Cardwell* is, by the said Eleventh Section of the said Act, declared to be seised or entitled.

Reservation
of Rights
of the
Right Hon.
E. Cardwell
and others.

XLII. Provided always, That nothing in this Act contained shall in any Manner prejudice, diminish, alter, or otherwise affect all or any of the Rights, Liberties, Privileges, Immunities, Powers, Franchises, or Authorities given, granted, preserved, or otherwise secured in and by the Tenth Section of "The *Wigan Waterworks Act, 1853*," to *Charles Scarisbrick* Esquire of *Scarisbrick Hall* in the County of *Lancaster*, his Heirs or Assigns, or other the Owner or Owners for the Time being, or the Lessees, Tenants, or other Persons in such Tenth Section respectively mentioned or referred to.

Saving
Rights of
C. Scaris-
brick, Esq.

XLIII. The annual Value of all Property rateable under this Act, or the Acts incorporated herewith, shall be ascertained according to the last preceding annual Assessment for the Relief of the Poor, within the several Parishes, Townships, Districts and Places

Value of
Property to
be according
to Poor Rate.

[Local.]

32 S

within

The Wigan Waterworks Act, 1860.

within the Borough, unless a Valuation shall be made as herein-after mentioned.

Power to
levy Rates on
Property not
included in
the Poor
Rate.

XLIV. If any House, Building, or Lands, rateable under this Act, or the Acts incorporated herewith, shall have been omitted from the Poor Rate, it shall be lawful for the Board to cause a Valuation to be made of the annual Rent or Value of such House, Building, or Lands respectively, and to cause the said Rates or Assessments to be made upon the Owner thereof, as they could have done if such House, Building, or Land had been rated or assessed to the Rate for the Relief of the Poor.

If Poor Rate
an unfair
Criterion, a
Valuation to
be made.

XLV. If at any Time the Rate for the Relief of the Poor within the Limits of this Act, or the Acts incorporated herewith, shall, in the Judgment of the Board, be an unfair Criterion by which the Rates under this Act should be made, it shall be lawful for them to cause a Valuation to be made of the rateable Property within such Limits by some competent Person to be appointed by them for that Purpose; and the Rates, Rents, or Assessments to be made by the Board upon the Property, as valued for the Purposes of this Act, shall be made upon such Valuation.

Valuer to
make a
Declaration.

XLVI. Before any such Valuation shall be made the Person appointed to make any such Valuation shall make and subscribe a solemn Declaration that he will make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Board of the making and subscribing of such Declaration and the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Owner may
be rated
without
stating his
Name.

XLVII. Whenever the Name of any Owner liable to be rated under the Provisions of this Act, or the Acts incorporated herewith, shall not be known to the Board or to the Person making any Rate, it shall be sufficient to rate such Owner in the Rate Book of the Board as the Owner of the Property to be rated by the Designation of "the Owner," without stating his Name.

Rates may
be amended.

XLVIII. It shall be lawful for the Board from Time to Time to amend any Rate made by virtue of this Act, or the Acts incorporated herewith, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by increasing or reducing the Sum at which any Person shall have been rated, if it shall appear to the Board that
such

The Wigan Waterworks Act, 1860.

such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate.

XLIX. When the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall remain unpaid for the Space of Three Months, it shall be lawful for the Board, or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by Distress and Sale of his Goods and Chattels, in like Manner as Rates may be recovered from the Occupier of any Property liable to be rated: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained, for any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Amount of Rate, or which shall, after such Demand and Notice not to pay the same to his Landlord, at any Time accrue and become payable by him, unless he shall refuse, on Application being made to him for that Purpose by or on Behalf of the Board, truly to disclose the Amount of his Rent and the Name and Address of the Person to whom such Rent is payable; but the Burden of the Proof that the Sum demanded from any such Occupier is greater than the Rent which was due by him at the Time of such Notice, or which shall have since accrued, shall be upon such Occupier.

Rates due from Owner may be recovered from Occupier.

L. If on the Request of the Board or of the Collector of the said Rates the Occupier of any Property shall refuse or wilfully omit to disclose, or shall wilfully mis-state to the Board or Collector making such Request, the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, it shall be lawful for any Justice, on Oath made before him of such Request, and of such Refusal or wilful Omission or Mis-statement, to summon the Person who shall have refused or wilfully omitted or mis-stated as aforesaid, to appear at the Time and Place mentioned in such Summons, before such Justice or before some other Justice; and if the Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in the Summons, or if he shall attend and not show good Cause to the Justice then present for such his Refusal, or wilful Neglect or Mis-statement, it shall be lawful for such Justice (upon Proof, in case of the Neglect or Refusal to attend as aforesaid, of the due Service of the said Summons,) to impose a Penalty upon such Person who shall have so refused or wilfully omitted, or have made such wilful Mis-statement, not exceeding the Sum of Five Pounds.

Occupier refusing to give Name of Owner, liable to Penalty.

LI. If the Amount of any Rate which under the Provisions of this Act, or the Acts incorporated herewith, ought to be borne and paid by the

Occupier may recover Money paid for Rates
Owner

The Wigan Waterworks Act, 1860.

held within the said Borough, and all Property, Rights, and Interests in such Market and Fair respectively, and the Right (if any) to take Rents, Tolls, Pckage, and Stallage in respect thereof respectively, and to alter or extinguish such Rents, Tolls, Pckage, and Stallage Rights and Interests, or any of them, and to levy other Rents, Tolls, Rates, Pckage, and Stallage in respect of such Market and Fair respectively, or either of them, and to create certain Exemptions from the Payment thereof respectively, and to confer other Rights and Privileges, and also in like Manner to purchase or take and acquire the Manorial Rights (if any) of the Rector of *Wigan* for the Time being, as Rector and Lord of the Manor of the said Borough, or other the Person or Persons entitled to the same; and any Agreement which shall have been already entered into or which may hereafter be entered into between such Parties for such Purposes and within such Period aforesaid shall be binding and conclusive on such Parties respectively.

As to
Payment of
Costs, &c. of
carrying into
effect Agree-
ment.

LIX. It shall be lawful for the Court of Chancery, if it shall so think fit, upon Application made in a summary Way, to direct the Costs and Expenses of the said Patron and Rector of *Wigan* respectively, of and incident to the Negotiations for and the Preparation and Execution and the carrying into effect of such Agreement, to be paid out of the Purchase Monies received or payable under the same.

For Security
of Mort-
gagees in
their Title.

LX. The due Observance by the Board of any of the Provisions of this Act, or the Acts incorporated herewith, with reference to any Mortgage or the issuing thereof, or the Application of the Monies advanced upon the Security thereof, or any Contract or Arrangement between the Board and any Person in any way relating to any Mortgage or the issuing thereof, shall not form any Part of the Title, at Law or in Equity, to the Benefit of any Instrument purporting to be a Mortgage issued under this Act, or any of the Acts incorporated herewith; and every such Instrument appearing on the Face thereof to be a Mortgage issued by the Board under this Act, or any of the Acts incorporated herewith, shall, in favour of every Person claiming in good Faith the Benefit thereof, be as against the Board absolutely valid at Law and in Equity to all Intents and Purposes whatsoever.

Power to
re-borrow.

LXI. The Board may from Time to Time re-borrow any Amount from Time to Time paid off by them, unless it be paid off by means of the Sinking Fund to be set apart out of the Water Rates under this Act, and to the Extent of the Amount so paid off their Power of borrowing and re-borrowing shall cease.

Form of
Mortgage.

LXII. Any Mortgage under this Act, or under any of the Acts incorporated herewith, and any Transfer of any such Mortgage, may
be

The Wigan Waterworks Act, 1860.

be made according to the respective Forms of Mortgages and Transfer authorized by "The Public Health Act, 1848," with such Modifications thereof as may render them applicable to the Purposes of this Act and of any of the Acts incorporated herewith; and the Clauses and Provisions of "The Public Health Act, 1848," relative to Mortgages and the Right of Mortgagees to borrowing Money to pay off existing Mortgages, to Register and Registration of Mortgages and Transfers, to Payment of Interest, to the Appropriation, Investment, and Application of the Sinking Fund, and to the Application of a Receiver, shall (except in so far as those Clauses and Provisions limit the Purposes for which Money is to be borrowed and the Amount to be borrowed, or are otherwise inconsistent with this Act,) extend and apply to Mortgages under this Act and to Monies borrowed and Mortgages and Transfers made under the Powers of this Act: Provided always, that the Balance (if any) of the Sinking Fund to be set apart out of the Water Rates under this Act which may remain after the Discharge of all Mortgages to which that Fund is applicable shall be applied first to the Repayment of any Sums advanced for the Purposes of this Act out of the General District Rates, and not previously repaid, and secondly to the Restoration and Improvement of the Works by this Act authorized.

LXIII. Provided always, That the Powers of borrowing Money by this Act given shall not be restricted in and by any of the Provisions of the Public Health Acts; and in calculating the Amount which the Board may borrow under the Public Health Acts any Sums which they may borrow under this Act shall not be reckoned.

Certain
Restrictions
not to apply.

LXIV. The Local Board of Health are hereby required from and after the Expiration of Seven Years from the passing of this Act to appropriate and set apart every Year out of the Water Account mentioned in this Act a Sum equal to One Fortieth Part of the Sums borrowed under the Authority of this Act as a Sinking Fund, to be applied in paying off the Principal Monies borrowed under the Authority of this Act, and such Sinking Fund shall be laid out, invested, accumulated, and applied according to the Provisions contained in the Eighty-fourth Section of "The Commissioners Clauses Act, 1847."

Sinking
Fund.

LXV. All Monies which shall be received by the Board under the Powers of this Act (other than Sums raised by the Board as Part of the General District Rates and Sums raised by the Board by Mortgage) shall be applied as follows; (that is to say,)

Application
of Receipts.

First, in paying the Costs, Charges, and Expenses attending or incident to the applying for and passing this Act:

Secondly,

The Wigan Waterworks Act, 1860.

Secondly, in paying the Interest from Time to Time due upon all Monies borrowed by the Board under the Powers of this Act, and for the Time being remaining due :

Thirdly, in setting apart and appropriating the Sinking Fund for the Payment of Mortgages from and after Seven Years from the passing of this Act :

Fourthly, in constructing the Works by this Act authorized during Seven Years after the passing of this Act :

Fifthly, in maintaining and extending the Water Works and other Works by this Act authorized from Time to Time as Occasion shall require, and carrying this Act into execution :

Sixthly, in repaying any Monies advanced out of the General District Rates under the Powers and for the Purposes of this Act, and not previously repaid :

Seventhly, in paying off all Principal Monies borrowed by the Board under the Powers of this Act, and for the Time being remaining due :

And lastly, in the Reduction of the Rates and Charges by this Act, or any of the Acts incorporated herewith, authorized to be levied and made :

And all Sums raised under this Act by the Board as Part of the General District Rates shall be applied to all or any of the Purposes firstly, secondly, fourthly, and seventhly herein-before specified ; and all Sums raised under this Act by the Board by Mortgage shall or may be applied to all or any of the Purposes firstly, thirdly, fourthly, fifthly, and seventhly herein-before specified, other than and except the Maintenance of the Waterworks.

Contracts for Supply of Water not to disqualify Members of Board.

LXVI. No Person shall be disqualified for being, continuing, or acting as a Member of the Board by reason of his being concerned in any Contract entered into by the Board for a Supply of Water under this Act, or any of the Acts incorporated herewith, or for the Sale of any Land for the Purposes of this Act, or of his being a Proprietor of or interested in any Newspaper in which Advertisements are inserted for the Board, unless he shall discuss, act, or vote as a Member of the Board on any Question touching any Matter in which he is directly or indirectly concerned ; in such Event, and immediately thereupon, he shall become disqualified and cease to be a Member of the Board.

Liability to Rates not to disqualify Justices.

LXVII. No Person shall be incapable of acting as a Justice in the Execution in any respect of this Act by reason of his being interested in any Contract under this Act for a Supply of Water, or being liable under this Act to the Payment of any Rate or other Money.

LXVIII. Any

The Wigan Waterworks Act, 1860.

LXVIII. Any Number of Names or Sums may be included in any Information, Summons, Warrant of Distress, or Notice obtained or given by the Board for any of the Purposes of this Act, or of any of the Acts incorporated herewith, and may be stated either in the Body of the Information, Summons, Warrant, or Notice, or in a Schedule thereto.

Several Names in One Warrant, &c.

LXIX. Any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Water Rate or Sum to be paid shall be paid by the Person liable to pay such Water Rate or Sum, and such Costs shall be ascertained by the Justice or Justices issuing such Warrant, and shall be included in the Warrant of Distress for the Recovery of such Water Rate or Sum.

Costs of Distress.

LXX. Nothing contained in this Act, or in any Act incorporated herewith or referred to herein, shall prevent the Board from recovering any Sum of Money not exceeding Fifty Pounds which shall be due to them for Water Rents, Damages, Costs, or Expenses in such Manner as is by Law provided for the Recovery of Debts not exceeding Fifty Pounds.

Recovery of Sums under 50l.

LXXI. Penalties imposed by several Acts for the same Offence shall not be cumulative, and for this Purpose this Act and the Acts incorporated herewith or referred to herein shall be deemed several Acts.

Penalties not cumulative.

LXXII. The Justices by whom any Penalty or Forfeiture shall be imposed under this Act shall, where the same is payable by any Person or Corporation other than the Board, and the Application whereof is not otherwise provided for, award the same to the Board.

Application of Penalties.

LXXIII. The Forms given in Schedule D. and Schedule E. to "The Public Health Act, 1848," may be used for the Purposes of this Act, with such Variations as may be necessary for referring to this Act and to render them applicable to those Purposes.

Forms of Public Health Act may be used.

LXXIV. Nothing in this Act contained shall prejudice or affect any of the Powers, Rights, Privileges, or Authorities vested in the Board by the Public Health Acts, but all such Powers, Rights, Privileges, and Authorities may be exercised and enjoyed by the Board in as full and ample a Manner as if this Act had not been passed.

Saving Rights of Board under Public Health Act.

LXXV. Every Summons, Notice, or other such Document requiring Authentication by the Board may be signed by their Clerk, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentication of Notices.

The Wigan Waterworks Act, 1860.

Books to be
Evidence.

LXXVI. The Books of the Board, and all Entries made therein, in manner by this Act, or any of the Acts incorporated herewith directed, shall be received as Evidence by virtue of this Act.

Expenses of
Act.

LXXVII. All the Costs, Charges, and Expenses of preparing, applying for, and passing this Act shall be paid by the Board out of any Money now in their Hands, or which may be received by them under the Powers of this Act and the Acts incorporated therewith.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.