



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxviii.

An Act for better supplying with Gas and with Water the Township of *Widnes* in the Parish of *Prescot* in the County Palatine of *Lancaster*.

[25th May 1860.]

WHEREAS the Township of *Widnes* in the Parish of *Prescot* in the County Palatine of *Lancaster* is partially supplied with Gas and Water by a Registered Company, incorporated under the Joint Stock Companies Act by the Name "The *Widnes* Gas and Water Company, Limited," (in this Act called "the Registered Company,") and regulated by Memorandum of Association and Articles of Association; and the Shareholders of the Registered Company are willing at their own Expense to provide a better Supply of Gas and of wholesome Water thereto, and to make and maintain Waterworks and Gasworks for the Purpose, on being incorporated into a Company, with adequate Powers in that Behalf: And whereas Plans and Sections, showing the Situation, Direction, Lines, and Levels of the Waterworks by this Act authorized, and the Lands in or through which the same are intended to be made, maintained, extended, and enlarged, and Books of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County Palatine of

[*Local.*]

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Lancaster ;

Widnes Gas and Water Act, 1860.

Lancaster; and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: 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 for all Purposes be cited as "*Widnes Gas and Water Act, 1860.*"

Limits of Act.

II. The Limits of this Act with respect to the Supply of Gas and of Water are the Township of *Widnes* in the Parish of *Prescot* in the County Palatine of *Lancaster*.

8 & 9 Vict.
cc. 16. & 18.
and
10 & 11 Vict.
c. 17. in-
corporated.

III. The "*Companies Clauses Consolidation Act, 1845,*" and the "*Lands Clauses Consolidation Act, 1845,*" and the "*Gasworks Clauses Act, 1847,*" and the "*Waterworks Clauses Acts, 1847,*" (save so far as the Provisions of those Acts respectively are varied or excepted by this Act,) are incorporated with this Act.

Same Mean-
ings of Words
in incorpo-
rated Acts
as in this
Act.

IV. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Incorpo-
ration of
*Widnes Gas
and Water
Company.*

V. The several Persons who immediately before the passing of this Act were the Shareholders of the Registered Company, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company by the Name "*The Widnes Gas and Water Company,*" in this Act called "*the Company,*" for the Purpose of supplying Gas and wholesome Water within the Limits of this Act, and for making and maintaining for those Purposes Gasworks and Waterworks, and all proper Works and Conveniences connected therewith, according to the Provisions of this Act, and for carrying this Act in all respects into execution, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

Dissolution
of Registered
Company.

VI. On the passing of this Act the "*Widnes Gas and Water Company, Limited,*" are dissolved and shall cease to exist, and their Memorandum of Association and Articles of Association are annulled, and within One Month after the passing of this Act the Company shall return to the Registrar of Joint Stock Companies a Copy of this Act.

VII. On

Widnes Gas and Water Act, 1860.

VII. On the passing of this Act, all the Gasworks, Waterworks, Buildings, Mains, Pipes, Meters, Machinery, Apparatus, Works, and Conveniences whatsoever, and all the Lands, Estates, Rights, Interests, Property, Monies, Effects, Credits, and Choses in Action, of or to which the Registered Company immediately before the passing of this Act were seised, possessed, or in any way entitled, and the Benefit of all Contracts and Engagements entered into with and on behalf of the Registered Company, and immediately before the passing of this Act in force, are by this Act transferred to and vested in the Company.

Property
of Registered
Company
transferred
to Company.

VIII. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall be subject to and shall satisfy or discharge all Obligations and Liabilities to which the Registered Company immediately before the passing of this Act were or but for this Act would become subject, and shall bear and pay all the Expenses of and incident to the winding up of the Affairs of the Registered Company, and shall indemnify the Directors, Shareholders, Officers, and Servants of the Registered Company, and their respective Representatives, from all such Obligations, Liabilities, and Expenses, and all Costs in that Behalf.

Company to
satisfy Lia-
bilities of
Registered
Company.

IX. Notwithstanding the Dissolution of the Registered Company, and the annulling of their Memorandum of Association and Articles of Association, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under or by the annulled Memorandum of Association and Articles of Association, or either of them, shall be as valid as if this Act were not passed, and the Dissolution and annulling and this Act respectively shall accordingly be subject and without Prejudice to every thing so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Dissolution and annulling had not happened would be incident to or consequent on any and every thing so done and suffered respectively, and with respect to all such Rights, Liabilities, Claims, and Demands the Company shall to all Intents represent the Registered Company: Provided always, that the Generality of this Provision shall not be restricted by any other of the Sections and Provisions of this Act.

General
Saving of
Rights,

X. Notwithstanding the Dissolution and the annulling, all Purchases, Sales, Conveyances, Securities, Agreements for the Supply of Gas and Meters, and for Permission to lay Pipes across Lands, and all Contracts before the passing of this Act made under the annulled Memorandum of Association or Articles of Association, or either of them, or with reference to the Purposes thereof, or to the Business of the Registered Company, shall be as effectual to all Intents, for, against, and with respect to the Company, as if the same had been made by, to, or with respect to the

Contracts,
&c. pre-
served.

Company

Widnes Gas and Water Act, 1860.

Company instead of the Registered Company, and may be proceeded on and enforced in like Manner, to all Intents, as if the Company had been Party or Privy thereto, or referred to therein instead of the Party actually Party or Privy thereto, or referred to therein.

Gas and
Meter Rents,
Water Rates,
and Debts to
be paid.

XI. Notwithstanding the Dissolution and the annulling, all Persons who immediately before the passing of this Act owed any Gas Rents, Meter Rents, Water Rates, or other Money to the Registered Company, or to any Person on their Behalf, shall pay the same to the Company; and all Monies which immediately before the passing of this Act were owing by or recoverable from the Registered Company, or for the Payment of which they were or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from the Company.

Actions, &c.
not to abate,
&c.

XII. Notwithstanding the Dissolution and the annulling, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Registered Company before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect both in favour of and against the Company in the same Manner to all Intents as if this Act were not passed, save only that the Company shall be substituted therein for the Registered Company.

Officers con-
tinued.

XIII. Notwithstanding the Dissolution and the annulling, every Officer and Servant appointed by virtue of or acting under the annulled Articles of Association shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from the Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act.

Capital.

XIV. The Capital of the Company shall be Forty thousand Pounds in Eight thousand Shares of Five Pounds each.

Shares
vested in
Shareholders
of Registered
Company.

XV. Six hundred Shares of the Capital are by this Act vested in the Persons who immediately before the passing of this Act were the Holders of the Three thousand Shares of One Pound each in the Capital of the Registered Company, after the Rate of One Share of the Capital of the Company for every Five Shares of the Capital of the Registered Company, and such Three thousand Shares shall be deemed to be fully paid up.

The Shares
vested in
Shareholder

XVI. The Shares so vested are respectively so vested in the several Persons entitled thereto respectively upon the same Trusts, and subject to

Widnes Gas and Water Act, 1860.

to the same Powers, Provisions, Declarations, Agreements, Charges, and Incumbrances, upon or to which their respective Shares of the Capital of the Registered Company were immediately before the passing of this Act held or subject, and so as to give effect to and not revoke any Will or other Instrument disposing of or affecting any such Share.

upon same
Trusts as
Shares of
Registered
Company.

XVII. Five Shillings a Share shall be the greatest Amount of a Call, and Two Months at the least shall intervene between any Two successive Calls.

XVIII. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Receipts for
Minors, &c.

XIX. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Ten thousand Pounds: Provided always, that the Company shall not so borrow until the whole of the Capital is subscribed for or taken, and One Half thereof is paid up, and until they shall prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of the "Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Power to
Company to
borrow on
Mortgage.

XX. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest, or of Principal and Interest, due on their respective Mortgages, by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is One thousand Pounds.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

XXI. All Monies raised by the Company by Shares or by borrowing shall be applied to the Purposes by this Act authorized, and to no other Purpose.

Application
of Monies.

XXII. The First Ordinary Meeting of the Shareholders shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings shall be held yearly in the Month of *September*, or at such other Period as a General Meeting from Time to Time appoints.

First and
other
Ordinary
Meetings.

XXIII. The Quorum for any General Meeting of the Company shall be Five Persons holding in the aggregate not less than One thousand Pounds of the Capital.

Quorum for
General
Meeting.

XXIV. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall
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Requisition
by Share-
holders for

Widnes Gas and Water Act, 1860.

Extraor-
dinary
Meeting.

be Five Shareholders holding in the aggregate not less than One thousand Pounds of the Capital.

Proof of
Majority of
Votes at
General
Meetings.

XXV. At any Meeting of the Company a Majority of Votes shall only be required to be proved in the event of a Poll being demanded at the Meeting; and if a Poll be not demanded, then a Declaration by the Chairman that the Resolution has been carried, and an Entry to that Effect in the Minutes of the Proceedings of the Company, shall be Evidence of the Fact, without Proof of the Number or Proportion of Votes recorded in favour of or against the Resolution.

Number and
Qualification
of Directors.

XXVI. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Shares or Stock to the aggregate nominal Amount of One hundred Pounds at least, and the Quorum for a Meeting of the Directors shall be Three.

Directors not
to be dis-
qualified by
being Com-
missioners.

XXVII. No Person shall be disqualified as a Director by being a Commissioner or Trustee under any Act of Parliament from Time to Time in force for any public Purposes within the Limits of this Act, and no Shareholder of the Company shall be disqualified as such Commissioner or Trustee by reason of any Contract between the Company and the Commissioners or Trustees: Provided always, that no Commissioner or Trustee who is a Director or Shareholder shall act or vote at any Meeting of the Commissioners or Trustees, or at any Committee appointed by the Commissioners or Trustees, on any Question, or with respect to any Matter in which the Director or Shareholder has a direct or indirect Interest as a Shareholder.

First
Directors.

XXVIII. The Persons who immediately before the passing of this Act were the Directors of the Registered Company shall be the First Directors, and shall remain in Office until the First Ordinary Meeting of the Company, when they or any of them may be continued in Office by the Meeting, unless new Directors be elected by the Meeting in the Place of such of them as are not continued in Office, but the retiring Directors being, if qualified, eligible for Re-election.

Rotation of
Directors.

XXIX. One Third of the Number of Directors shall retire in Rotation at the First Ordinary Meeting in the Year One thousand eight hundred and sixty, and in every subsequent Year, and the Meeting shall elect an equal Number of qualified Shareholders in their Place, the retiring Directors being, if qualified, eligible for Re-election.

Newspaper
for Adver-
tisements.

XXX. The Newspaper in which Advertisements relating to the Affairs of the Company may be published shall be any Newspaper published in the County Palatine of *Lancaster*.

XXXI. The

Widnes Gas and Water Act, 1860.

XXXI. The Company may manufacture and supply Gas, and sell and dispose of the Coke, Residuum, and Product arising from all such Manufacture, and may light with Gas the several Streets within the Limits of this Act, and may supply with Gas the Buildings and Works within and the Inhabitants of the Township of *Widnes*.

Company may manufacture and supply Gas.

XXXII. The Company may maintain the Gasworks immediately before the passing of this Act belonging to the Registered Company, and by this Act vested in the Company, and situate on a Piece of Land immediately before the passing of this Act in the Occupation of the Registered Company, and abutting on *Anne Street* and *John Street* in the Township of *Widnes*, and from Time to Time may improve, enlarge, and extend the same, and make and maintain in connexion therewith all such Buildings, Gas Meters, and other Works and Conveniences as they think necessary for the Purposes of this Act, and may maintain the Gasworks, and make and maintain the Works and Conveniences connected therewith, on the Lands bounded as follows; that is to say, on the Northerly Side thereof by Land belonging to *John Hutchinson*, being Part of the *Brook House* Estate, and on the Easterly Side thereof by Land belonging to *Edward Carr*, and in the Occupation of the said *John Hutchinson*, and on the Southerly or South-easterly Side thereof by *Anne Street*, and on the Westerly Side thereof by *John Street*, all in the Township of *Widnes*.

Company may maintain existing Gasworks, and make further Works within Limits specified.

XXXIII. Provided always, That nothing in this Act contained shall authorize the Company to erect any Works for the Manufacture of Gas elsewhere than on the Lands now held by them, and on which their Gasworks for making Gas are situate, or on Lands immediately adjoining thereto.

Restricting the Erection of future Gasworks.

XXXIV. The Company may continue and maintain the Gas Mains and Pipes by this Act vested in them, and from Time to Time may lay down and renew Gas Mains, Gas Pipes, and other Works for the Supply of Gas within the Limits of this Act, and for that Purpose, and subject to the Provisions of this Act, may open, break up, cross, divert, and stop up, when and as it is requisite for the Purposes of this Act with respect to the Supply of Gas so to do, any Streets within the Limits of this Act.

Company may lay down Gas Mains, &c.

XXXV. The Service Pipes of the Company for lighting Streets with Gas shall be kept fully charged with Gas, and the Stopcocks shall be so made and turned as not to prevent the Service Pipes being so charged while the Streets are so lighted.

Service Pipes to be fully charged.

XXXVI. All the Gas supplied by the Company shall be of such Quality as to produce from an Argand Burner having Fifteen Holes and a Seven-Inch Chimney, and consuming Five Cubic Feet of Gas an Hour,

Illuminating Power of Gas.

Widnes Gas and Water Act, 1860.

Hour, a Light equal in Intensity to the Light produced by Twelve Sperm Candles of Six to the Pound burning One hundred and twenty Grains an Hour.

A Meter to test Purity of Gas to be erected.

XXXVII. Within Six Months after the passing of this Act, the Company shall cause to be erected in some Part of their Works, or of their principal Office in *Widnes*, so situated as to afford a Test for all the Gas supplied by the Company, an Experimental Meter, furnished with an Argand Fifteen-Hole Burner and a Seven-Inch Chimney, or other approved Burner and Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Consumers may test the Purity of Gas.

XXXVIII. Any Consumers of Gas of the Company, not being less than Five, may by Order in Writing appoint some competent Person to proceed to the Works of the Company, and the Person so appointed, on giving Three Hours previous Notice in Writing to the Company, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Company, and in the Presence of the Superintendent or other Officer of the Company make Experiment of the illuminating Power of the Gas from all or any of the Gas Holders of the Company by means of the Experimental Meter and other Apparatus before mentioned, and the Company and their Officers shall afford all reasonable Facilities and Assistance for making such Experiment; and if it shall be proved to the Satisfaction of any Two Justices, not being Shareholders of the Company, after hearing the Parties, that the illuminating Power of the Gas supplied by the Company did not, when so tested as aforesaid, equal the illuminating Power by this Act prescribed, or that the Company or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Company shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine.

Costs of Experiment to be paid according to the event.

XXXIX. The Costs of and attending such Experiment, including the Remuneration to be paid to the Persons making the same, and the Costs of the Proceedings before the Justices, shall be ascertained by such Justices, and in the event of any Penalty being imposed on the Company shall be paid, together with such Penalty, by the Company; but in the event of the Gas being found, when tested, to be of not less illuminating Power than is by this Act prescribed, such Costs shall be awarded to be paid to the Company by the Consumers who appointed the Person to test the Gas, and shall be paid or levied accordingly.

Limit of Price of Gas.

XL. The highest Charge of the Company for Gas supplied by them shall be at the Rate of Six Shillings and Eightpence for One thousand Cubic Feet.

XLI. Every

Widnes Gas and Water Act, 1860.

XLI. Every Consumer of Gas supplied by the Company shall, on Notice in Writing from the Company, consume by Meter, to be provided by the Company at his Expense, or, at his Option, by himself; but the Meter, if provided by the Consumer, shall be approved by the Company before it is used, and during the User thereof.

Use of Gas
Meters.

XLII. The Company may provide and supply the Meters for the Consumption of Gas at such reasonable Rents as are from Time to Time agreed on between the Company and the Consumers taking the Company's Meters.

Meter Rents.

XLIII. The Company, after Twenty-four Hours Notice to the Occupier of any House or Building, or if the same be unoccupied, then to the Owner or Lessee thereof, may enter the House or Building between the Hours of Nine in the Morning and Four in the Afternoon, for the Purpose of removing any Meters, Pipes, or Fittings belonging to the Company, and theretofore used in connexion with the Supply of Gas by them, but which Supply is from any Cause discontinued, and may remove the Meters, Pipes, and Fittings accordingly: Provided that if the Owner or Lessee of any such unoccupied House or Building is unknown to the Company, the Notice may be given by affixing the same for Three Days on some conspicuous Part of the House or Building.

Company
may remove
Gas Meters
and Fittings.

XLIV. The Company by means of their Waterworks may supply Water to the Inhabitants of the Township of *Widnes*.

Power to
Company
to supply
Water.

XLV. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use, for any of the Purposes of this Act, such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference, or such Easements, Estates, or Interests in those Lands, or any of them, as the Company think fit.

Company
may take
Lands shown
on deposited
Plans.

XLVI. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Powers for
compulsory
Purchases
limited.

XLVII. Subject to the Provisions of this Act, the Company from Time to Time may, by boring only, take and use, and collect and divert into their Reservoirs and Works, the Waters in or under the Lands which immediately before the passing of this Act were in the Occupation of the Registered Company, and which abut on *Anne Street* and *John Street* in the Township of *Widnes*.

Company
may take
and use
Waters.

XLVIII. The Company from Time to Time, but only by Agreement, may purchase or take on Lease for the extraordinary Purposes specified in the "Waterworks Clauses Act, 1847," any Lands not exceeding Five

Land for ex-
traordinary
Purposes.

[Local.]

10 E

Acres,

Widnes Gas and Water Act, 1860.

Acres, in addition to the Lands which they are by this Act authorized to take compulsorily.

Owners may grant Easements.

XLIX. The Persons by this Act empowered to sell and convey or release Lands which the Company are authorized to take compulsorily have for the Purposes of this Act full Power to grant any Easement, Power, or Authority in, over, or for the User of the Lands, except of any Streams in or upon the said Lands.

Power to Company to make Waterworks as authorized by this Act.

L. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Waterworks by this Act authorized, and may use for the Purpose any Lands from Time to Time vested in them under this Act, and may make and maintain, in the Situation, Direction, and Lines, and according to the Levels respectively shown on the deposited Plans and Sections, and in and through the Lands shown on those Plans and specified in the deposited Books of Reference, the Waterworks shown on those Plans.

Waterworks authorized.

LI. The Waterworks by this Act authorized comprise the following Works; (that is to say,)

First, Reservoirs and Wells, with Engines, Tanks, Conduits, Pipes, and other Conveniences connected therewith, and all necessary Approaches thereto, to be situate on the Piece of Land which immediately before the passing of this Act was in the Occupation of the Registered Company, abutting on *Anne Street* and *John Street* in the Township of *Widnes* :

Secondly, Conduits and Lines of Pipe, with all proper Works and Conveniences connected therewith, commencing in and leading out of the Reservoir and Works first described, and terminating at the Point of the Junction of *Anne Street* and *John Street* in the Township of *Widnes* :

Thirdly, the laying down, repairing, and maintaining of all such Buildings, Embankments, Wells, Reservoirs, Aqueducts, Conduits, Drains, Sluices, Cuts, Channels, Drains, Pipes, Engines, and other Works and Conveniences as the Company from Time to Time think requisite for supplying Water within the Limits of this Act :

All which Works will be in the Township of *Widnes*.

Limits of lateral Deviation.

LII. Where the Line of any Work as shown upon the deposited Plans passes along any Road, and no Limits of lateral Deviation are marked thereon, the Company may, in making the Work, deviate laterally from the Line thereof as laid down on the deposited Plans to the Extent only of the Boundaries of the Road, and elsewhere the Company may, in making the Works, deviate laterally from the Lines thereof as laid down on the deposited Plans to the Extent of the Limits of lateral Deviation shown thereon.

LIII. In

Widnes Gas and Water Act, 1860.

LIII. In making the Works the Company may deviate vertically from the Levels thereof as shown on the deposited Sections to the following Extent; that is to say, with respect to Reservoirs to any Extent not exceeding Three Feet, and with respect to all other Works to any Extent not exceeding Five Feet.

Limits of vertical Deviation.

LIV. The Waterworks by this Act authorized, and shown on the deposited Plans, shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for the making of the same shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that nothing in this Act shall restrain the Company from enlarging and extending their Wells, Mains, Pipes, and Works from Time to Time, whenever requisite, for the supplying of Water within the Limits of this Act.

Period for Completion of Waterworks.

LV. In order to provide against Accidents to Life or Property by the bursting of any Reservoirs of the Company, whenever any Person interested complains to Two Justices that any such Reservoir is in a dangerous State, the 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.

Justices may order Inquiry into State of Company's Reservoirs.

LVI. If on the Inquiry the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Persons as they think fit to enter on the Property of the Company, and to lower the Water in such Reservoirs, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices for immediate Repair.

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

Order of Justices, after Summons on Company, to repair Reservoir.

LVIII. If

Widnes Gas and Water Act, 1860.

Order of
Justices on
Failure of
Company to
obey Orders.

LVIII. If in any such Case the Company do 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, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may (if they think fit) order such Persons as the Justices think fit to enter on the Property of the Company, and to do all such Works and Things specified in the Order, and not done by the Company, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of Complaint.

Form of
Order of
Justices.

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

‘ To *A. B.* of, &c., or *A. B.*, &c., 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, and to do all such
‘ Works and Things as are requisite to repair and make good [*here specify*
‘ *the Reservoir to be repaired and made good*]; and you shall do as little
‘ Injury as possible to the Property of the Widnes Gas and Water Com-
‘ pany, or other the Owners of the Reservoir; 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 ’

Persons
acting under
Order of
Justices
not deemed
Trespassers.

LX. 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.

Justices may
impose
Penalty on
Company
for disobey-
ing Order.

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

Order of
Justices on
Company for
Payment of
Costs.

LXII. 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 the Order on the Company, and also all, or such Part as the Justices think fit, of the Expenses of the Works and Things done in pursuance of the Order by any Person other than the Company, to be paid by the Company; and every Amount so to be paid shall be paid by the Company to such
Person

Widnes Gas and Water Act, 1860.

Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

LXIII. Provided always, That if the Company feel aggrieved by any such Order of Justices, or any Determination by the Justices on any such Complaint, the Company shall have 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 is quashed or altered, the Order appealed against shall be enforced.

Company may appeal against Order of Justices.

LXIV. Provided always, That the Company 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 which may be occasioned in or by or result from the Execution of any such Order.

Company not to be liable for Consequences of Order of Justices.

LXV. The Company shall not be compelled to carry Water to a higher Level than can be reached by the Pressure afforded by their Reservoir.

Supply of Water not necessarily under Pressure.

LXVI. Where there are several Tenements in a Row, no Tenant or Occupier of any One of the Tenements, nor any Person on his Behalf, shall be allowed to take or use the Water laid on by the Company to any other of the Tenants, unless the Tenant or Occupier be rated in respect of the Tenement so occupied by him for a Supply of Water, and every Person so taking or using the Water, or allowing it to be used, contrary to the Provisions of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Supply of Water to Tenements in a Row.

LXVII. The Company shall not be bound to supply any Water, unless the Pipes and Cocks and other Apparatus necessary for the Supply are made of such Strength, Material, and Size, and on such Principle, as are required or approved by the Company, and are used so as to prevent the Waste or undue Consumption of the Water of the Company, and the Return of foul Air and other noisome or impure Matter into the Pipes belonging to or connected with the Mains or Pipes of the Company.

Regulations for Supply of Water.

LXVIII. The Company shall, at the Request of any Person entitled under this Act to demand a Supply of Water to any Dwelling House or Part of a Dwelling House within the Limits of this Act, furnish to the

Rates for Supply of Water for domestic Purposes.

[Local.]

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Occupier

Widnes Gas and Water Act, 1860.

Occupier thereof a sufficient Supply of Water for his domestic Uses at any Rate not exceeding the following Rates; (that is to say,)

Where the yearly Value of the Dwelling House or Part of a Dwelling House does not exceed Twenty-five Pounds, at a Rate not exceeding Seven Pounds Ten Shillings *per Centum* of the yearly Value:

Where the yearly Value exceeds Twenty-five Pounds, at a Rate not exceeding Seven Pounds and Ten Shillings *per Centum* of the First Twenty-five Pounds; and Seven Pounds *per Centum* of the Second Twenty-five Pounds, or any Fraction thereof; and Six Pounds and Ten Shillings *per Centum* of the Third Twenty-five Pounds, or any Fraction thereof; and Six Pounds *per Centum* of the Fourth Twenty-five Pounds, or any Fraction thereof; and Five Pounds and Ten Shillings *per Centum* of the next Fifty Pounds, or any Fraction thereof; and Five Pounds *per Centum* of all above One hundred and fifty Pounds:

Provided always, that the Company shall not be compelled to furnish a Supply of Water for domestic Purposes to any House or Part of a House at a less Rate than Twopence *per Week*.

What are domestic Purposes.

LXIX. A Supply of Water for domestic Purposes does not include a Supply of Water for more than One Watercloset, or for Cattle, or for Horses, or for washing Carriages, where the Horses and Carriages are kept for Hire or are the Property of a Dealer, or for Steam Engines, or for Railway Purposes, or for warming or ventilating Purposes in public Buildings, or for working any Machine or Apparatus, or for any Trade, Manufacture, or Business whatsoever, or for watering Gardens by means of any Tap, Tube, Pipe, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for public or private Baths, or for any ornamental Purpose whatsoever.

Rates for Water-closets and Baths.

LXX. In addition to the Rates for a Supply of Water for domestic Purposes the Company may charge for every Watercloset exceeding One, and for every Bath in or belonging to any Dwelling House, the following additional Rates; (that is to say,) Five Shillings *per Annum* for every such Watercloset exceeding One, and Five Shillings *per Annum* for every such Bath: Provided always, that the Company shall not be compellable to supply Water at those Rates for any Bath which when filled for Use holds more than Sixty Gallons of Water; provided also, that moveable Vessels ordinarily used in Dwelling Houses for washing are not Baths within the Meaning of this Act.

Water for other than domestic Purposes to be supplied by Agreement.

LXXI. The Company may supply any Person with Water for other than domestic Purposes for such Remuneration and upon such Terms and Conditions as are agreed on between the Company and the Person desirous of having the Supply.

LXXII. Every

Widnes Gas and Water Act, 1860.

LXXII. Every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for the other Purposes, and every Person having agreed with the Company for a Supply of Water for any other than domestic Purposes, and using for any Purposes other than the Purposes so agreed on the Water so supplied by the Company, shall respectively for every such Offence forfeit and pay to the Company any Sum not exceeding Five Pounds.

Penalty for using Water for other than domestic Purposes without Agreement.

LXXIII. The Rates for a Supply of Gas, and the Rents for Gas Meters, and the Rates for a Supply of Water for domestic Purposes, and for Waterclosets and for Baths, shall respectively be payable in advance by equal quarterly Payments on *Lady Day, Midsummer Day, Michaelmas Day, and Christmas Eve* in every Year.

Gas, Meter, and Water Rates payable in advance.

LXXIV. If any Person supplied with Gas or with Water by the Company wilfully do or cause or suffer to be done anything in contravention of any of the Provisions of this Act, or wilfully fail to do anything which under this Act ought to be done for the Prevention of the Waste, Misuse, or undue Consumption of the Company's Gas or Water, or the Contamination of the Company's Water, the Company may cut off or stop any Pipe by or through which Gas or Water is supplied to him, and cease to supply him with Gas or (as the Case may be) with Water, so long as the Cause of Injury remains or is not remedied, and also may recover from every Person so offending in any Court of competent Jurisdiction the Amount of all Loss, Damage, or Injury which the Company sustain by any such Thing or Failure, and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Cutting off Gas and Water.

LXXV. Notwithstanding anything contained in this Act or in the Acts incorporated herewith, any Director may enter into Contracts with the Company with reference to the Supply of Gas or Water, or with reference to the Sale of any Product arising in the Manufacture of Gas; provided that no Director shall be entitled to vote on any Contract in which he is personally interested.

Company may contract with Director.

LXXVI. All Sums of Money due to the Company for the Supply of Gas or Water within the Limits of this Act, or for the Supply or fixing of Meters, Service Pipes, or other Fittings, may be levied by Distress, and any Justice may, on Application, issue his Warrant accordingly, and any such Warrant may contain in the Body thereof or in a Schedule thereto several Names and several Sums.

Gas Rates, Meter Rents, and Water Rates due, may belevied by Distress.

LXXVII. Any Justice who issues any Warrant of Distress for any of the Purposes of this Act may order that the Costs of the Company of
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Costs of Distress.

Widnes Gas and Water Act, 1860.

and incident to the Recovery of the Money to be levied shall be paid by the Persons liable to pay the Money, and the Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of the Money, and any such Warrant may contain in the Body thereof or in a Schedule thereto several Names and several Sums.

Recovery of Sums not exceeding 50*l.*

LXXVIII. Where any Person fails to pay any Gas Rate, Meter Rent, Water Rate, or other Sum due to the Company, and the Rate, Rent, or Sum does not exceed Fifty Pounds, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction; and the Remedies of the Company under this Enactment shall be in addition to their other Remedies in that Behalf.

Penalties on Company not to be cumulative.

LXXIX. Penalties imposed on the Company for One and the same Offence by several Acts of Parliament shall not be cumulative; and for this Purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Liability to Rates not to disqualify Justices, &c.

LXXX. No Justice or Judge of a County Court shall, except as is by this Act otherwise provided, be disqualified for acting in the Execution of this Act by reason of his being liable to any Gas Rate, Meter Rent, Water Rate, or other Sum under this Act, or of his being a Shareholder of the Company.

Expenses of Act.

LXXXI. All the Costs, Charges, and Expenses of and incidental to the preparing for, obtaining, and passing of this Act shall be paid by the Company.

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