



CHAP. xliii.

An Act for dissolving and re-incorporating the Darwen Waterworks and Reservoirs Company, and for enabling them to execute additional works and raise further capital; and for other purposes. A.D. 1869.
[24th June 1869.]

WHEREAS by "The Darwen Waterworks and Reservoirs Act, 1847," a company was incorporated by the name of the Darwen Waterworks and Reservoirs Company, and was empowered to construct certain works therein particularly described, and to raise for the purposes of the said Act, by means of shares, the sum of twenty-five thousand pounds, and by borrowing the further sum of eight thousand pounds, and to supply water in accordance with the provisions of the said Act: 10 & 11 Vict.
c. liv.

And whereas, under the authority of the said Act, the said company have constructed a reservoir known as the Earnsdale Reservoir, and have laid down lines of conduits and pipes in connexion therewith, and have also constructed other works for the purposes of their undertaking:

And whereas it is expedient that the said company should be dissolved and re-incorporated under another name, and that the company so to be incorporated should, in order to meet the increased demand for a supply of water, be empowered to make and maintain additional works, and to raise further monies:

And whereas plans and sections, showing such additional works, with a book of reference to the plans, have been deposited at the office of the clerk of the peace for the county of Lancaster, which plans, sections, and book of reference are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient that the said Act should be repealed, and other provisions made in lieu thereof:

And whereas the objects aforesaid cannot be effected 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

A.D. 1869. Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title. 1. This Act may be cited for all purposes as "The Darwen Waterworks Act, 1869."

8 & 9 Vict.
cc. 16. & 18.,
10 & 11 Vict.
c. 17.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 93. and
118. incor-
porated.

2. "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Waterworks Clauses Acts, 1847 and 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that for the purposes of this Act section twenty-one of "The Companies Clauses Act, 1863," shall be read and have effect as if the following words, (that is to say,) "but so that not less than the full nominal amount of any "share or portion of stock be payable or paid in respect thereof" had not been inserted in that section.

Interpre-
tation of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression "the company," or "the undertakers," means the company incorporated by this Act ;

The expression "the works," or "the waterworks," or "the undertaking," means the waterworks and works connected therewith by this Act authorized to be made or maintained by the company, including the works which immediately before the passing of this Act are vested in the company by this Act dissolved, under the recited Act ;

The expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute ;

In the Acts incorporated herewith, the expression "the special Act" shall mean this Act ;

And, for the purposes of reborrowing and conversion of borrowed money into capital, the existing mortgage debt of the company by this Act dissolved shall be deemed money borrowed under this Act.

Recited Act
repealed, and
dissolution of
company.

4. The recited Act is repealed, and the Darwen Waterworks and Reservoirs Company is dissolved.

5. The several persons who immediately before the passing of this Act were shareholders in the dissolved company, and all other persons who from time to time become entitled to shares in the capital of the company, and their respective executors, administrators, successors, and assigns, are by this Act united into a company for making and maintaining waterworks, and supplying and selling water, and carrying on the business of a waterworks company, and for other the purposes of this Act, and for those purposes are incorporated by the name of the "Darwen Waterworks Company," and by that name shall be one body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of their undertaking.

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Incorporation of company.

6. All the waterworks, reservoirs, filter beds, conduits, mains, pipes, gauges, meters, engines, works, and conveniences, lands, tenements, hereditaments, buildings, easements, appurtenances, prospective and other rights, powers, privileges, goods, chattels, choses in action, monies, effects, bonds, deeds, books, papers, maps, plans, estate and property, claims and demands whatsoever, of or to which the dissolved company were in any way whatsoever immediately before the passing of this Act seised, possessed, or in any way entitled at law or in equity, or otherwise howsoever, with their respective rights, members, and appurtenances, are by this Act vested in the company as their undertaking, waterworks, property, and effects, but subject to all charges and incumbrances thereon, and all debts, liabilities, and engagements of the dissolved company in respect thereof.

Waterworks, &c. vested in company.

7. Except only as is by this Act otherwise expressly provided, the company shall, with respect to their undertaking, waterworks, property, and effects, and all matters connected with the same respectively, represent the dissolved company, as if the dissolved company and the company had originally been and had continued without intermission to be one and the same body corporate.

Company to represent the dissolved company.

8. Notwithstanding the repeal and dissolution, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under the recited Act shall be as valid as if this Act had not passed, and such repeal and dissolution and this Act shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which, if the repeal and dissolution had not taken place, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to everything so done or suffered, and with respect to all such rights, liabilities, claims, and

General saving of rights.

A.D. 1869. — demands, the company shall to all intents and purposes represent the dissolved company: Provided, that the generality of this provision shall not be restricted by any of the other provisions of this Act.

Contracts,
&c. pre-
served.

9. Notwithstanding the repeal and dissolution, all purchases, sales, conveyances, mortgages, bonds, deeds, securities, contracts and agreements before the passing of this Act made or entered into by, to, or with respect to the dissolved company, or any person on their behalf, shall continue and be as effectual to all intents, for, against, and with respect to the company as if the same had been made or executed by, to, or with respect to the company instead of the dissolved company, and may be proceeded on and enforced by and against the company accordingly.

Actions, &c.
not to abate.

10. Notwithstanding the repeal and dissolution, any action, suit, prosecution, or other proceeding commenced either by or against the dissolved 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 like manner to all intents and purposes as the same might continue and take effect in favour of or against the dissolved company, save only that when necessary the company shall be substituted therein for the dissolved company.

Water rents
to be paid.

11. Notwithstanding the repeal and dissolution, all rates, rents, and other charges or sums of money which immediately before the passing of this Act were due or payable, or accruing or secured to the dissolved company, shall be payable and paid to, and may be collected and recovered by, the company in like manner as any rates, rents, or charges under this Act.

Debts to be
paid.

12. Notwithstanding the repeal and dissolution, all persons who immediately before the passing of this Act owed any money to the dissolved company, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing for the same, to the company, and all monies which immediately before the passing of this Act were owing by or recoverable from the dissolved 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.

Convey-
ances, leases,
&c. to re-
main in
force.

13. Notwithstanding the repeal and dissolution, all deeds, conveyances, leases, contracts, mortgages, bonds, covenants, liabilities, securities, orders, resolutions, proceedings, arrangements or agreements, and other acts and things before the passing of this Act

made, done, entered into, executed, or instituted under or by virtue or with reference to the purposes of the recited Act, shall be good, valid, and effectual, to all intents and purposes whatsoever, for, against, with reference to, or in favour of the company, as if the recited Act were not repealed, and as if the company were the company incorporated by that Act.

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14. Notwithstanding the repeal and dissolution, all penalties incurred for any offence against the provisions of the recited Act, previously to the passing of this Act, may be sued for, and all offences which may have been committed before the passing of this Act against the provisions of the recited Act may be prosecuted in the like manner as the same might have been sued for and prosecuted respectively if the recited Act were not repealed, and as if the company had been incorporated by that Act.

Penalties may be sued for and offences prosecuted.

15. Notwithstanding the repeal and dissolution, all certificates, sales, transfers, and dispositions heretofore made or executed under the recited Act of any share in the capital of the dissolved company shall remain in full force, and continue and be available in all respects as if that Act were not repealed.

Transfers of shares to remain in force.

16. Notwithstanding the repeal of the recited Act, all books and other documents by that Act authorized or directed to be kept, and which would have been evidence if that Act had not been repealed, shall be admitted as evidence in all courts whatsoever.

Books, &c. made evidence by previous Act to continue.

17. Notwithstanding the repeal and dissolution, the clerks, officers, and persons appointed by virtue of or acting under the authority of the recited Act shall hold their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign or be removed therefrom; and such clerks, officers, and persons shall have the like power and authorities for the purposes of this Act and for carrying the same into execution, and such clerks, officers, and persons, and their respective sureties, shall be subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules and regulations, in all respects whatsoever, as if they had been appointed and such sureties had become bound respectively under this Act.

Officers to continue until removed.

18. The first ordinary meeting of the company shall be held within six months after the passing of this Act.

First ordinary meeting.

19. The number of directors shall be six.

Number of directors.

20. The qualification of a director shall be the possession in his own right of capital stock to the amount of not less than two hundred pounds.

Qualification of directors.

21. The quorum of a meeting of directors shall be three.

Quorum.

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First directors.

Election of directors.

Capital of the company.

A. shares, how vested.

Company to call in and cancel existing share certificates, and issue new certificates in lieu thereof.

22. The persons who immediately before the passing of this Act were the directors of the dissolved company are the directors of the company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, and elect additional directors to complete the number, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the provisions in this Act contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, in accordance with the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by that Act.

23. The capital of the company is sixty-five thousand pounds, being the aggregate of the sums following; (that is to say,)

(A.) The original capital of twenty-five thousand pounds, divided into one thousand two hundred and fifty shares of twenty pounds each (herein-after referred to as the A. shares):

(B.) The sum of forty thousand pounds by this Act authorized to be raised by the creation and issue of four thousand shares of ten pounds each (herein-after referred to as the B. shares).

24. The A. shares shall be and remain vested in the several persons who at the time of the passing of this Act are the registered proprietors of shares in the dissolved company, upon the same trusts, and subject to the same powers, provisions, declarations, agreements, liens, charges, and incumbrances as immediately before the passing of this Act affected the shares held by them respectively, and so as to give effect to and not revoke any testamentary disposition of or affecting those shares.

25. The company shall call in and cancel the existing certificates of the shares of the dissolved company created under the recited Act, and issue in lieu thereof certificates of proprietorship under this Act of the A. shares, in the form and under the conditions prescribed by "The Companies Clauses Consolidation Act, 1845," but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the company, to be cancelled, the

certificates of shares issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the directors of the company the loss or destruction thereof.

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26. In addition to the said capital of twenty-five thousand pounds, the company from time to time may, with the consent of three fifths of the votes of the shareholders present in person or by proxy at any general meeting or meetings specially convened for the purpose, raise, by the creation and issue of new ordinary shares or preference shares, or, at the option of the company, partly by one and partly by the other of those modes, such further sum or sums as they may think proper, not exceeding in the whole the sum of forty thousand pounds, provided that no such share shall be of less amount than ten pounds.

Power to raise additional capital.

27. The company shall not issue any new share created under the authority of this Act, nor shall any new share vest in the person accepting the same, unless and until a sum, not being less than one fifth of the nominal amount of such new share, shall have been paid in respect thereof.

New shares not to be issued until one fifth part thereof shall have been paid up.

28. One pound per share shall be the greatest amount of a call upon the new shares, and three months at least shall be the interval between successive calls.

Calls.

29. The company shall not in any year make out of their profits any larger dividend on the additional share capital of forty thousand pounds to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid of such capital on ordinary shares, or six pounds in respect of every hundred pounds actually paid of such capital on preference shares.

Limit of dividends on new capital.

30. The company may from time to time borrow on mortgage (exclusive of the said mortgage debt of the dissolved company, amounting to eight thousand pounds) any sums not exceeding the following; (that is to say,) when and so soon as shares for the sum of eight thousand pounds, part of the said additional share capital of forty thousand pounds, have been issued and accepted, and one half thereof is paid up, the company may borrow on mortgage any sums not exceeding two thousand pounds; and so in respect of each further sum of eight thousand pounds, part of the said additional capital of forty thousand pounds, the company may borrow any sums not exceeding two thousand pounds: Provided, that the company shall not borrow on mortgage any of the respective sums of two thousand pounds each which they are by this Act authorized to borrow as aforesaid, or any part thereof, until shares for the whole

Power to borrow.

A.D. 1869. — of the respective sum of eight thousand pounds, part of the said additional capital in respect of which such sum is to be borrowed, are issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify, under section forty of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares were issued bonâ fide, and are held by the holders thereof or their assigns, and that those holders or their assigns are legally liable for the same, and upon production to such justice of the books of the company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

31. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver, and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than one thousand pounds in the whole.

Application of monies.

32. All monies raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act and to the general purposes of the company, and to no other purpose.

Power to maintain existing works.

33. The company may maintain, work, and use the waterworks, reservoirs, mains, pipes, and other works and conveniences, streams, and waters which immediately before the passing of this Act belonged to and were maintained, worked, and used by the dissolved company.

Power to make new works.

34. Subject to the provisions of this Act the company may make and maintain, alter and extend, in the lines and situations and according to the levels shown on the deposited plans and sections, the works next herein-after described, with all proper works, approaches, and conveniences connected therewith, and the company may from time to time enter upon, take, and use such of the lands shown upon the deposited plans, and described in the deposited book of reference, as it may be necessary to enter upon, take, and use for the purposes of this Act, and may also take and use for the purposes of this Act the waters of the stream or brook known as the Stepback Brook, otherwise Sunnyhurst Brook, otherwise Earnsdale Brook, and all other brooks, streams, and springs in and under the said

lands, or which may be taken, intercepted, or abstracted by means of the works shown upon the deposited plans; the works hereinbefore referred to and hereby authorized are the following; (that is to say,) A.D. 1869.

- (1.) A reservoir and embankment, to be called the Wenshead Reservoir, in the township of Over Darwen, in the parish of Blackburn, in the county of Lancaster:
- (2.) A reservoir and embankment, to be called the Sunnyhurst Reservoir, in the same township:
- (3.) An aqueduct or conduit from the Stepback Brook, otherwise Sunnyhurst Brook, otherwise the Earnsdale Brook, in this Act called the Earnsdale Brook, to and into the Sunnyhurst Reservoir:
- (4.) Another aqueduct or conduit from the Earnsdale Brook to and into the Wenshead Reservoir:
- (5.) An aqueduct or line of pipes from the Sunnyhurst Reservoir to and terminating in Market Street, in the town of Over Darwen.

35. The company, in constructing the works by this Act authorized, may make lateral deviations from the lines of those works not exceeding the limits of deviation shown on the deposited plans, and may deviate from the levels of the reservoirs to any extent not exceeding three feet upwards and ten feet downwards, and of other works delineated on the deposited sections to any extent not exceeding five feet upwards and seven feet downwards; but if it be found necessary or expedient in the construction of those works to place the embankment of any reservoir higher up the valley in which it is situate than the site thereof shown on the deposited plans, they may, within the limits of deviation, in the construction thereof and of the works connected therewith, deviate vertically from the levels of such reservoir and embankment, and the other works connected therewith, to such further extent as may be required by reason of such deviation of site, but so that the height of such embankment do not exceed by more than three feet the height thereof shown on the deposited sections.

Lateral and vertical deviations.

36. The powers of the company for the compulsory purchase of lands for any of the purposes of this Act may be exercised at any time within the following periods, and not afterwards; (that is to say,)

Period for compulsory purchase of lands.

In respect of lands required for the purposes of the Wenshead Reservoir, and the aqueduct or conduit connected therewith, within five years from the passing of this Act:

In respect of all other lands authorized to be taken by this Act, within three years from the passing of this Act.

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Compen-
sation to
millowners
and others.

37. As compensation to the owners and occupiers of lands, mills, and manufactories, and all other persons interested in the waters of the Earnsdale Brook and its tributaries and affluents, and the streams into which they flow, the company shall cause to be discharged from the Earnsdale Reservoir into the channel of the Earnsdale Brook, for the use and behoof of the said parties continuously, not less than four hundred thousand gallons of water every working day of twenty-four hours in every year.

Gauges, &c.
to be pro-
vided.

38. The company shall erect and construct and for ever maintain proper and sufficient measuring gauges over or through which the said quantity of water from the Earnsdale Reservoir for the supply of the Earnsdale Brook shall flow or be discharged, and shall make and maintain such other works as shall be necessary for the regulation of that supply.

For settle-
ment of
disputes as to
compensa-
tion.

39. If any dispute arise as to the fulfilment by the company of the provisions of this Act with respect to the discharge of water into the Earnsdale Brook, the same shall from time to time be settled and determined by arbitration, in the manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of land otherwise than by agreement.

Provisions of
this Act to
be full com-
pensation for
water.

40. The discharge of water by the company into the Earnsdale Brook, provided for by this Act, shall be taken and accepted by all persons and corporations as full compensation in respect of all waters which, under the powers of the recited Act or this Act, the company can abstract and take by means of the waterworks.

Power to
acquire ad-
ditional
lands by
agreement.

41. In addition to the lands, streams, and waters which the company are by this Act authorized to purchase compulsorily, they may for any of the purposes of this Act, from time to time by agreement, purchase in fee, either absolutely or in consideration of any yearly or other rent, any additional quantity of land not exceeding in the whole ten acres, or any easement or right (not being an easement or right of water) in or over such additional lands, which they may from time to time think requisite for any of the purposes of this Act.

Owners may
grant ease-
ments.

42. The persons empowered by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," respectively, to sell or convey or release lands, shall, subject to the provisions of those Acts respectively, have full power to grant to the company in fee, either absolutely or in consideration of any yearly or other rent, any lands, or any easement, right, privilege, power, or authority (not being an easement, right, or privilege of water) in, over, or affecting any lands by this

Act authorized to be purchased by the company compulsorily or by agreement, and which the company from time to time think requisite for the purposes of this Act. A.D. 1869.

43. For the purposes of this Act, the provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants and leases respectively of easements under this Act. Application of Lands Clauses Consolidation Act, 1860, to easements.

44. The company may by agreement, but not otherwise, purchase and acquire and may hold the reservoir in the said township of Over Darwen known as the Jack's Key Reservoir, with all or any of the works and conveniences, rights, powers, and privileges appurtenant thereto; and if and when so purchased that reservoir and those works and conveniences, rights, powers, and privileges shall to all intents and purposes be and be deemed to be a part of the company's undertaking. Company may purchase the Jack's Key Reservoir.

45. The waterworks by this Act authorized to be constructed shall be completed within the periods herein-after mentioned respectively; (that is to say,) Period for completion of waterworks.

As regards the Sunnyhurst Reservoir, and the conduit or line of pipes connected therewith, within five years from the passing of this Act:

As regards the other reservoirs and works, within ten years from the passing of this Act:

And if the waterworks shall not be completed, then on the expiration of those periods, the powers of the company under this Act for making the same respectively, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed: Provided always, that, subject to the provisions of this Act, the company from time to time may alter, enlarge, and extend their engines, machinery, wells, mains, and pipes, in such way and manner as shall be necessary for supplying water within the limits of this Act.

46. The limits of this Act within which the company may supply water are the towns and places following; (that is to say,) Over Darwen, Tockholes, and Eccleshill, and so much of the township of Lower Darwen as lies to the south of a straight line drawn on the Ordnance map, from the boundary of that township in the road at Peak Brow through the point where the boundary of the same township intersects the Davy Field Brook to the house called Greenhurst, all in the county of Lancaster. Limits of Act.

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Rate at which water is to be supplied for domestic purposes.

47. The company shall, at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the company is or shall be laid, or on the application of any person who, under the provisions of this Act, is entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic use, at rates not exceeding five per centum per annum on the annual rackrent, or, if not let at rackrent, the annual value of the house or part of a house or other premises supplied with water; but the company shall not be obliged to furnish such supply to any occupier for any less sum than ten shillings in any one year when paid in advance, or twelve shillings when in arrear.

Rates for waterclosets and baths.

48. In addition to the rates for the supply of water for domestic purposes, the company may demand and take for one watercloset in or appurtenant to any house any sum not exceeding one shilling for every quarter of a year, and for every additional watercloset after the first, in or appurtenant to any house, any sum not exceeding two shillings for every quarter of a year, and for every private bath any sum not exceeding four shillings for every quarter of a year.

For preventing fouling water.

49. The company shall not be compellable to supply with water any watercloset or any private bath, or the apparatus or pipes connected therewith respectively, unless the same be so constructed and used as to prevent the waste or undue consumption of the water of the company, and the return of foul air or noisome and impure matter into the mains or pipes belonging to or connected with the mains or pipes of the company, nor if such private bath shall be capable of containing, when filled for use, more than fifty gallons of water.

Constant pressure.

50. Water supplied by the company need not be constantly laid on under pressure, or be continuously supplied, or be supplied in any case at a level above that at which water can be supplied by gravitation from the service reservoirs from which the supply is furnished.

As to supply of water by measure.

51. The company may supply water by measure, provided that no water meter, nor any index thereto, whether supplied by the company or the consumer, shall at any time or times be altered or repaired, connected or disconnected, except under the direction or with the consent of the company or their manager, and every person offending against this enactment shall for every such offence forfeit and pay to the company any sum not exceeding five pounds.

Water for other than domestic purposes.

52. The company may supply any person with water for other than domestic purposes on such terms as he and the company agree on; notwithstanding any such agreement, no person shall be en-

titled to such a supply whenever and as long as the company are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Act; every such agreement may be, by virtue of this Act, determined by the company on one month's notice in writing.

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53. A notice to the company from a consumer for the discontinuance of a supply of water shall not be of any effect unless it is in writing, and is left at the principal office for the time being of the company.

Notice of discontinuance.

54. The company, after forty-eight hours notice in writing under the hand of the secretary or some other officer of the company to the occupier, or if there be no occupier then to the owner or lessee, of any building or lands in which any pipe, meter, or fitting belonging to the company is laid or fixed, and through or in which the supply of water is from any cause other than the default of the company discontinued, may enter such building or lands between the hours of nine in the morning and four in the afternoon, or at any other time with the authority in writing of a justice, for the purpose of removing and may remove every such pipe, meter, and fitting, repairing all damages caused by such entry or removal, and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode or business in England, or if such person or his usual place of abode or business in England is not known to the company after proper inquiry, then by being affixed on some conspicuous part of such building or lands.

Power to remove pipes and fittings.

55. The company's manager or other officer duly appointed for the purpose by the company may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the company, and inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, and see whether they are in good repair, and if such manager or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier of such premises shall for every such offence forfeit to the company a sum not exceeding five pounds.

Company's officers to enter buildings.

56. Subject to the provisions of this Act, the company may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and among other things may prescribe the size, nature, make, strength, and arrangement of the pipes, cocks, cisterns, meters, and other apparatus used for the purposes of the supply.

Power for company to make regulations for preventing waste of water.

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Power for company to refuse supply where rules not complied with.

Recovery of sums by action.

Recovery of rents.

Incoming tenant not liable for arrears.

Power to sell undertaking to local board of health of Over Darwen.

Liability to water rent not to disqualify justices, &c.

Authentication of notices.

57. In the event of any such regulations not being observed by any person having or requiring a supply of water, the company may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with.

58. Whenever any person neglects to pay any rent, rate, or sum due to the company under this Act, they may recover the same with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the company under this enactment shall be in addition to their other remedies for the recovery of such rent, rate, or sum.

59. If any person supplied with water or a water meter by the company neglects to pay the rent due for the same to the company (such rent not exceeding the sum of five shillings a quarter) for the space of ten days after demand in writing, with notice of distress in default of payment, and does not within that time give notice in writing to the company that he disputes the demand, it shall be lawful for the company, or the directors, or any person acting under their authority, to levy the sum so due, or any part thereof, together with costs, by distress and sale of the goods and chattels of the person neglecting to pay the same, wherever such goods and chattels may be found, in the same manner as rents in arrear on common demise may by law be recovered, rendering the surplus (if any) to the person so neglecting to pay, after deducting the necessary charges for such distress and sale.

60. The company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rate or rent left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

61. The company may sell and transfer to the local board of health for the district of Over Darwen, and the said local board may purchase and hold upon such terms as may be agreed upon, all or any part of the undertaking, works, plant, powers, rights, and privileges of the company.

62. A justice or a judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate, rent, or charge under this Act, or of his being a shareholder of the company.

63. Any summons, warrant, demand, or notice, or other such document to be issued or given for any of the purposes of this Act, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the company, the signa-

ture thereof by the secretary to the company shall be a sufficient authentication. A.D. 1869.

64. Every penalty imposed by this Act, or any Act incorporated with this Act, shall (except where otherwise expressly provided, and except where the company shall be the party by whom the penalty has to be paid) be paid to the company. Application of penalties.

65. 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 any Act incorporated wholly or in part with this Act, shall be deemed several Acts. Penalties not cumulative.

66. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the company. Expenses of Act.

