



## CHAPTER c.

An Act for dissolving the Frodsham Gas Company, Limited, and for re-incorporating the Members thereof with others, and conferring powers on them for the supply of Gas and Water to the town of Frodsham and neighbourhood; and for other purposes.

A.D. 1888.

[24th July 1888.]

**W**HEREAS in the year one thousand eight hundred and fifty-six certain persons formed themselves into a gas company, under the name of the Frodsham Gas Company, Limited (hereinafter referred to as "the Limited Company"), for the purpose of supplying gas in the town and parish of Frodsham, in the county of Chester, and the neighbourhood thereof, and such company was duly registered under the Joint Stock Companies Act, 1856:

And whereas the present share capital of the Limited Company consists of five thousand pounds, divided into five thousand shares of one pound each, the whole of which has been subscribed, and paid up, and the Limited Company have borrowed on mortgage twelve hundred pounds:

And whereas no shareholder in the Limited Company holds other than five or multiples of five shares in that company:

And whereas the Limited Company have purchased the pieces of land described in Parts I. and II. of the schedule to this Act, for the purpose of erecting, and have erected, on the lands described in Part I. certain works for the manufacture of gas, and on the lands described in Part II. certain works for the storing of gas, and are now supplying gas from such works to the town of Frodsham and neighbourhood:

And whereas the demand for gas in and around the district supplied by the Limited Company has increased and is increasing, and it is expedient that the works aforesaid should from time to time be improved, and the mains in connection therewith extended, and that additional capital should be provided for such improvement and extension:

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And whereas it is expedient that the Limited Company should be dissolved, and that the members thereof, with others, should be re-incorporated with further powers, with reference to the supply of gas:

And whereas the town of Frodsham and neighbourhood thereof is inadequately supplied with water, and it is expedient that the Company, to be incorporated by this Act, should be authorised to supply water for the purposes of the inhabitants thereof, and to construct the waterworks as provided by this Act, and that such other powers as are in this Act contained should be conferred on such Company for the better and more effectually carrying the purposes of their undertaking into effect:

And whereas plans and sections, showing the lines, situations and levels of the waterworks authorised by this Act, and the lands required or which may be taken for the purposes or under the powers of this Act, and also a book of reference to the plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands, were duly deposited with the clerk of the peace for the county palatine of Chester, and are hereinafter respectively referred to as the deposited plans, sections and book of reference:

And whereas the objects of this Act 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 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:—

Short title.

1. This Act may be cited as the Frodsham Gas and Water Act, 1888.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act, 1845, and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock), of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869; the Lands Clauses Consolidation Acts, 1845, 1860 and 1869, as amended by the Lands Clauses (Umpire) Act, 1883; the Gasworks Clauses Act, 1847 (except sections 30 to 37, both inclusive); the Gasworks Clauses Act, 1871; the Waterworks Clauses Act, 1847 (which for the purposes of this Act shall be read as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted from section 44); the Waterworks Clauses Act, 1863; and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway

during the construction thereof, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided that the incorporated provisions of the Railways Clauses Consolidation Act, 1845, shall apply only to the reservoirs by this Act authorised; and the Gasworks Clauses Act, 1871, shall apply to the existing undertaking of the Limited Company as if the same had been authorised by this Act.

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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; and

Interpretation of terms.

The expression "the Company" means the Company incorporated by this Act;

The expressions "the gasworks" and "the gas undertaking" respectively mean and include the gasworks for the manufacture and storing of gas and works connected therewith by this Act vested in or authorised to be made or maintained by the Company, and any improvement thereof which they may construct under the powers of this Act, and the lands, buildings, estate, right, title, property, privileges, effects and undertaking of the Company connected with such works, and every part thereof respectively;

The expressions "the waterworks" and "the water undertaking" respectively mean and include the waterworks and the works connected therewith by this Act authorised, and the lands, buildings, estate, right, title, property, privileges, effects and undertaking of the Company connected with such works, and every part thereof respectively;

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, for the purposes of this Act, be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute:

And for the purposes of this Act—

The expressions "railway" and "the centre of the railway," in the provisions of the Railways Clauses Consolidation Act, 1845, incorporated with this Act, mean respectively the reservoirs or either of them by this Act authorised, and any part of such reservoirs.

4. The limits of this Act for the supply of gas and water shall be the townships of Frodsham, Frodsham Lordship, Helsby, Alvanley,

Limits of Act.

A.D. 1888. — Newton-by-Frodsham and Kingsley, in the parish of Frodsham, and the township of Sutton, in the parish of Runcorn, all in the county palatine of Chester: Provided, that if in any township the Company have not made adequate provision for the supply of water within six years after the passing of this Act, the restriction on the construction of waterworks by a local authority, imposed by section 52 of the Public Health Act, 1875, shall not in respect of the Company apply to or be binding on the local authority (as defined by that Act) in such township..

Incorporation of Company.

5. From and after the passing of this Act the Limited Company shall be dissolved, and the several persons and corporations, who immediately before the passing of this Act were members of that company, and all other persons or corporations who have subscribed to or who shall hereafter become proprietors in the undertakings of the Company, and their executors, administrators, successors and assigns respectively, shall be and they are hereby united into a Company for the purposes hereinafter mentioned, and shall be incorporated by the name of "The Frodsham Gas and Water Company," and by that name shall be a 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 this Act.

General purposes of the Company.

6. The Company shall be established for the purposes of supplying gas and water for domestic, trading, public, sanitary and other purposes within the limits of this Act, and of maintaining, altering, improving, extending and enlarging the gasworks of the Limited Company, and of manufacturing, storing, utilising and converting, and distributing, selling and dealing in gas and gas lime, coke, tar, ammoniacal liquor, and other residual products, matters and things resulting from the manufacture of gas and matters producible therefrom, and for carrying on the business usually carried on by gas companies; and also for the purpose of constructing and maintaining the waterworks by this Act authorised, and for carrying on the business usually carried on by water companies; and for manufacturing, supplying and dealing in gas and water meters, gas engines, fittings, stoves, ranges, tubes, pipes, burners, and other apparatus and appliances, and generally for carrying the powers of this Act into execution.

Present property of Limited Company vested in Company incorporated by this Act.

7. Subject to the provisions of this Act, all the lands, gasworks, erections, buildings, rights and easements, which immediately before the passing of this Act were vested in the Limited Company, or any person in trust for them, or to which the Limited Company were in anywise entitled, and all mains and pipes, plant, plugs, lamps, irons, retorts, gauges, meters, lamp posts, syphons, apparatus, stock, effects,

matters and things which have been by them purchased, provided, laid down, erected or placed in any place or house within the limits of this Act, or which immediately before the passing of this Act were the property of the Limited Company, and all moneys, securities, credits, effects, and other property whatsoever, which immediately before the passing of this Act belonged to the Limited Company, or to any trustee on their behalf, and the benefit of all contracts and engagements entered into, by or on behalf of the Limited Company, and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the Limited Company, or any trustee on their behalf, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, removed, dealt with and disposed of by the Company as they think fit.

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8. Subject to the provisions of this Act, the memorandum and articles of association of the Limited Company shall as to any prospective operation thereof be wholly void, and the Company and the shareholders shall be exempted from all the provisions, restrictions and requirements of any Act which applied to the Limited Company and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act; but such liability or obligation in respect of any such breach shall continue and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company, as nearly as may be, in like manner as the same might have been enforced by or on behalf of the Limited Company if this Act had not been passed.

Memorandum and articles of association of Limited Company to be void without prejudice to remedies for antecedent breaches thereof.

9. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered, by or with reference to the Limited Company, or the members thereof as such, shall be as valid as if the Company had not been incorporated, and the said memorandum and articles of association had not been avoided by this Act; and such incorporation and avoidance, and this Act respectively, 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 Company were not incorporated, and the said memorandum and articles of association were not avoided by this Act, and this Act were not passed, would be incident to, or consequent on, any and everything so done or suffered; and with respect to all such rights, liabilities, claims and demands, the Company and its shareholders

Nothing to affect previous rights and liabilities.

A.D. 1888. — and property shall to all intents and purposes represent the Limited Company, and the members thereof as such, and the property of the Limited Company, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts  
prior to Act  
to be bind-  
ing.

**10.** Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds and agreements entered into or made before the passing of this Act, by, to, or with the Limited Company, or any trustees or persons acting on behalf of the Limited Company, or by, to, or with any other person to whose rights and liabilities they have succeeded and now in force, shall be as binding, and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the Limited Company, or the trustees or persons acting on behalf of the Limited Company, the Company had been a party thereto.

Actions &c.  
not to abate.

**11.** Nothing in this Act contained shall release, discharge or suspend any action, suit, or other proceeding which was pending by or against the Limited Company, or any member thereof, in relation to the affairs of the Limited Company, or to which the Limited Company, or any member thereof, in relation to such affairs, were parties immediately before the passing of this Act; but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be), in the same manner, and as effectually and advantageously as the same might have been maintained, prosecuted or continued by or in favour of or against the Limited Company, or any member thereof, if this Act had not been passed; the Company and the shareholders therein being, in reference to the matters aforesaid, in all respects substituted for the Limited Company and its members respectively.

Trustees of  
Limited  
Company  
to be in-  
demnified..

**12.** Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property or effects belonging to the Limited Company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract or engagement in respect of the same, or otherwise on behalf of the Limited Company, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges and expenses) which he may sustain or incur, or be put unto by reason of his having entered into such bond, covenant, contract or engagement.

Company  
to satisfy  
liabilities of

**13.** From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all

respects be subject to and shall discharge all obligations and liabilities to which the Limited Company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers and servants of the Limited Company, and their respective representatives, from all such obligations and liabilities, and from all expenses and costs in that behalf.

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Limited  
Company.

14. All gas rents and sums of money which immediately before the passing of this Act were due or accruing to the Limited Company, shall be payable to, and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

Recovery of  
gas rents &c.

15. All persons who immediately before the passing of this Act owed any money to the Limited Company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company; and all debts and moneys which immediately before the passing of this Act were due or recoverable from the Limited Company, or for the payment of which the Limited Company were, or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

As to pay-  
ment of debts  
owing before  
passing of  
Act.

16. Notwithstanding the avoidance of the said memorandum and articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers and dispositions heretofore made or executed under them, for and with respect to any shares in the Limited Company, shall remain in full force, and continue and be available in all respects as if they had not been avoided.

Certificates,  
&c., to  
remain in  
force.

17. All documents, books and writings, which if the said dissolution and avoidance had not taken place would have been receivable in evidence, shall be admitted as evidence in all courts and elsewhere, notwithstanding such dissolution and avoidance.

Books, &c.,  
continued  
evidence.

18. All officers and servants of the Limited Company, who were in office immediately before the passing of this Act, shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be subject and liable to the like conditions, obligations, pains and penalties, and to the like powers of removal, or to the like rules, restrictions and regulations, in all respects whatsoever, as if they had been appointed under this Act.

Officers to  
continue  
until re-  
moved.

19. The books kept by the Limited Company, for entering the names and designations of the members thereof, with the numbers of their shares, and the proper distinguishing number of such shares,

Present  
register of  
members to  
be continued.

A.D. 1888. — shall, until some other register of the shareholders shall be provided by the Company, continue to be kept for the same purpose by the Company, and be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Capital of Company. **20.** The capital of the Company shall be forty-five thousand pounds, divided into four thousand five hundred shares of ten pounds each.

Appropriation of capital. **21.** The capital of the Company shall be divided into two parts, to be called respectively the "gas capital" and the "water capital." The gas capital shall consist of the sum of five thousand pounds (in this Act referred to as the "original gas capital"), and of the sum of fifteen thousand pounds (in this Act referred to as the "additional gas capital"), and the water capital shall consist of the sum of twenty-five thousand pounds; and such additional gas capital and water capital shall be raised in manner hereinafter mentioned.

The gas capital shall be appropriated to and be used exclusively for the gas undertaking of the Company, and the water capital shall be appropriated to and be used exclusively for the water undertaking of the Company.

The Company shall keep separate accounts of receipts and expenditure on capital and revenue account, in respect of the gas undertaking and the water undertaking respectively.

Company to convert paid-up capital into stock. **22.** The Company shall convert into stock the whole or any part of the original gas capital when fully paid up, and may issue as stock, or convert into stock, the whole or any part of their other capital when and as soon as fully paid up.

Vesting of original gas capital in present shareholders. **23.** The shares in the original gas capital (hereinafter referred to as "the old shares") shall be appropriated to, vested in, and distributed among the several persons who immediately before the passing of this Act were the registered members of the Limited Company, and each such person shall be entitled to one of such old shares of ten pounds for every ten shares of one pound each held by such person in the capital of the Limited Company; and in order to effect such distribution in cases in which upon such distribution five shares only, or any odd number of five shares beyond a complete number of ten shares of the Limited Company, shall be held by any members of the Limited Company, the Company may divide a sufficient number of the old shares into half-shares, and such half-shares shall be proportionately vested in and appropriated to such members of the Limited Company holding five shares only, or an odd number of five shares in the Limited Company, in substitution for such shares; and every such share and half-share so vested shall be subject to the same liability

for calls, and to the same trusts, powers, provisions, declarations, agreements, charges, liens and incumbrances as immediately before the passing of this Act affected the shares for which the same is substituted, and every deed or other instrument, or any testamentary or other disposition, shall take effect with reference to the whole or a proportionate part of the substituted shares and half-shares, as the case may be: Provided always, that if at any time two of such half-shares shall become vested in the same person or persons, body or corporation, such half-shares shall, as soon as the same shall be fully paid up, merge and become consolidated into one entire share of ten pounds, and be for ever thereafter dealt with as such.

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**24.** Such half-shares shall be numbered in arithmetical progression, beginning with number one; every such half-share shall be distinguished by its appropriate number and shall be entered in the register of shareholders. After the consolidation of such half-shares into entire shares, the last-mentioned shares shall be numbered in arithmetical progression next after the then existing entire old shares, and be thenceforth distinguished by their appropriate numbers.

Half-shares to be numbered and registered.

**25.** The several half-shares under this Act shall be shares in the capital of the Company, and, subject as hereinafter mentioned, and according to their value, shall confer, have and be subject to all such rights, qualifications, privileges, liabilities and incidents as attach and are incident to entire shares, but no such half-shares shall, until consolidated into an entire share, confer any right of voting at meetings of the Company.

Half-shares to be shares in the capital of the Company.

**26.** The Company shall call in and cancel the existing certificates of shares in the Limited Company, and issue in lieu thereof certificates of shares or stock 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 proprietorship in the Limited Company issued to them before the passing of this Act, or shall have proved to the satisfaction of the Company the loss or destruction thereof.

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

**27.** The Company may from time to time raise (in addition to the original gas capital) any additional gas capital, not exceeding in the whole fifteen thousand pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by one or more of those modes respectively; but no such share or stock shall vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above

Power to Company to raise additional gas capital.

A.D. 1888. — par), together with any premium obtained thereon, shall have been paid in respect thereof: Provided that it shall not be lawful for the Company to create and issue, under the powers of this Act, any greater nominal amount of additional gas capital than shall be sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of fifteen thousand pounds: Provided also that the Company shall not issue more than ten thousand pounds nominal amount of the additional gas capital with a preference attached thereto.

Limiting  
issue of  
additional  
gas capital.

**28.** The Company shall not create and issue, within the year following the passing of this Act, any greater nominal amount of additional gas capital than shall be sufficient to produce, in manner aforesaid, three thousand pounds, or within any subsequent year three thousand pounds: Provided that, if in any year or years the Company have not created and issued additional gas capital, to the full amount hereinbefore prescribed in relation to such year or years, they may in any subsequent year create and issue, in addition to the amount prescribed for such year, such a nominal amount of additional gas capital as shall be sufficient, together with the amount then raised, to produce, in manner aforesaid, three thousand pounds in respect of the year following the passing of this Act, and three thousand pounds in respect of every subsequent year then expired.

Shares in  
water capital  
not to be  
issued until  
one-fifth part  
thereof shall  
have been  
paid up.

**29.** The water capital shall be raised in manner provided by the Companies Clauses Consolidation Act, 1845, but the Company shall not issue any share in the water capital, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls on  
shares in  
water capital.

**30.** One-fifth of the amount of a share in the water capital shall be the greatest amount of a call, and one month at the least shall be the interval between successive calls.

Receipts in  
case of  
persons not  
sui juris.

**31.** If any money is payable to a shareholder, being a minor, idiot or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Gas profits  
of Company  
regulated.

**32.** Subject to the provisions of this Act, the Company shall not, in any one year ending on the thirty-first day of December, make, out of the profits of the gas undertaking, any larger dividend on the original gas capital than ten pounds, nor on the additional gas capital, to be raised under the powers of this Act, than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital (which rate of ten pounds, as respects the original gas capital, and of seven pounds as respects the ordinary additional gas capital, is in this Act referred to as "the

standard rate of gas dividend"), or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital. A.D. 1888. —

**33.** In case in any year the revenues of the gas undertaking applicable to dividend shall be insufficient to pay the full amount of the authorised rate of gas dividend on each class of ordinary stock or shares in the gas capital, a proportionate deduction shall be made in the dividend of each class. Dividends on different classes of gas capital to be paid proportionately.

**34.** Notwithstanding anything in this Act contained, the Company shall, when any shares or stock, created as additional gas capital under the powers of this Act, are or is to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary gas shares or ordinary gas stock of the Company are or is at a premium or not, offer the same for sale by public auction, or by tender, in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value, and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof; and notice of the amount of such reserved price shall be sent by the Company, in a sealed letter to the Board of Trade, not less than twenty-four hours before the day of auction, or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction, or last day for the reception of tenders, but not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company. New gas shares or stock to be offered by auction or tender.

**35.** It shall be one of the conditions of any sale of gas shares or stock under this Act that the whole nominal amount thereof, together with any premiums given by any purchaser at such sale, shall be paid to the Company within three months after such sale. Purchase-money of gas capital sold by auction to be paid within three months.

**36.** The intention to sell any gas shares or stock by auction or by tender shall be communicated in writing to the secretary of the committee of the Liverpool Stock Exchange, at least twenty-eight days before the day of auction, or the last day for the reception of tenders, as the case may be; and notice of such intention shall be duly advertised, once in each of two consecutive weeks, in one or more newspapers published within the county of Chester, and circulating within the limits of supply. Notice to be given as to sale of gas shares or stock.

**37.** When any such shares or stock, created under the powers of this Act, have been offered for sale by auction or tender and not sold, the same shall be offered at the reserved price put upon the same respectively, for the purpose of sale by auction or tender, to the Shares or stock not sold by auction or by tender to be offered

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to share-  
holders.

holders of ordinary shares or stock of the Company, in manner provided by the Companies Clauses Act, 1863: Provided that any such shares or stock so offered and not accepted within the time prescribed by the said Act, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Act, with respect to the sale of gas shares and stock created under the powers of this Act, except that the reserved price put upon such shares or stock may, upon such second auction or tender, if the directors of the Company think fit, be less than the nominal amount thereof.

Application  
of premium  
arising on  
issue of gas  
shares or  
stock.

**38.** Any sum of money which shall arise from the issue of any such gas shares or stock by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Company, but shall be expended in extending or improving the gasworks of the Company, or in paying off money borrowed or owing on mortgage of the gas undertaking, and shall not be considered as part of the gas capital of the Company entitled to dividend.

If gas profits  
exceed the  
amount  
limited ex-  
cess may  
be invested  
and form  
an insurance  
fund.

**39.** If the clear profits of the gas undertaking of the Company, in any year ending on the thirty-first day of December, amount to a larger sum than is sufficient to pay the authorised rate of gas dividend on the ordinary gas capital, and the dividend on the preference gas capital (if any), the excess beyond the sum necessary for that purpose shall from time to time, to the extent of one per cent. per annum upon the paid-up gas capital of the Company, be invested in Government or other securities; and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest, until the fund so formed amounts to a sum equal to one-twentieth of the paid-up gas capital of the Company, which sum shall form an insurance fund, to meet any extraordinary claim, demand or charge which may at any time arise against or fall upon the Company, in respect of the gas undertaking, from accident, strikes, or other circumstances which, in the opinion of a justice, due care and management could not have prevented; and if such fund be at any time reduced, it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that, when and so often as the said fund shall reach one-twentieth part of the paid-up gas capital, the interest thereon shall be carried to the credit of the fund available for dividend on the gas capital: Provided also, that resort may from time to time be had to the insurance fund, to meet any extraordinary claim, demand or charge as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

**40.** If the clear profits of the gas undertaking of the Company, in any year ending on the thirty-first day of December, amount to a larger sum than is sufficient to pay the authorised rate of gas dividend on the ordinary gas capital of the Company, and the dividend on the preference gas capital (if any), the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

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Application of excess of profits over authorised rate of gas dividend.

**41.** Where in any year ending on the thirty-first day of December the dividend of the Company on the ordinary gas capital shall exceed the standard rate of gas dividend, by reason of the price charged by the Company for gas in such year being below the standard price, then, out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend, the Company may, in such year, set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and any reserve or other fund of the Company existing at the passing of this Act, shall be invested in Government or other securities; and the dividends and interest arising from such securities shall also be invested in the same or the like securities, in order that the same may accumulate at compound interest; and the fund so formed shall be called "the gas reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the gas undertaking of the Company shall be insufficient to enable the Company in such year to pay the authorised rate of gas dividend on the ordinary gas capital, and the dividend on the preference capital (if any); and save as in this Act otherwise provided, no sum shall in any year be carried by the Company to any reserve fund in respect of the gas undertaking.

Power to create a reserve fund out of dividends in excess of standard rate of gas dividend, and application thereof.

**42.** The Company may at any time and from time to time, after the passing of this Act, borrow on mortgage, of and for the purposes of the gas undertaking, in respect of the original gas capital of five thousand pounds, any sums not exceeding in the whole one thousand two hundred and fifty pounds, inclusive of the sum of one thousand two hundred pounds borrowed on mortgage by the Limited Company.

Power to borrow in respect of original gas capital.

**43.** In addition to the sum which the Company are authorised to borrow in respect of the original gas capital, the Company may from time to time borrow, on mortgage of and for the purposes of the gas undertaking, any sums not exceeding in the whole one-fourth part of the amount of the additional gas capital at the time actually issued by shares or stock; and they may in like manner from time to time borrow, on mortgage of and for the purposes of the water undertaking, any sums not exceeding in the whole one-

Power to borrow on additional gas capital and on water capital.

A.D. 1888. — fourth part of the amount of the water capital at the time actually raised; but no sums shall be borrowed in respect of the additional gas capital until the whole of the shares or stock in such capital at the time issued, together with the premium (if any) realised on the sale thereof, shall have been fully paid up; and no sum shall be borrowed in respect of the water capital until the whole of the water capital, in respect of which the borrowing power is to be exercised, is issued and accepted, and one-half thereof is paid up, nor until the Company have proved, to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that such additional gas capital and premium (if any) has been issued and fully paid up, or, as the case may require, that such water capital has 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, and the whole of the stock in such water capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such water capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors or assigns, and that such persons or corporations, their executors, administrators, successors or 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 certificates that the proofs aforesaid have been given, which shall be sufficient evidence thereof.

Appoint-  
ment of  
receiver.

44. The mortgagees of the gas undertaking and of the water undertaking of the Company respectively may enforce payment of arrears of interest or principal, or principal and interest due on their mortgages, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees, by whom the application for a receiver is made, shall not be less than two thousand pounds in the whole.

As to con-  
version of  
borrowed  
money into  
capital.

45. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or by the issue of debenture stock or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into share capital any money borrowed under the provisions of this Act, unless, in either case, all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Priority of  
mortgages  
over other  
debts.

46. All money raised or to be raised by the Company, on mortgage or debenture stock, under the provisions of this Act, shall

have priority against the Company, and the property, from time to time, of the Company, included in the undertaking upon which such mortgages or debenture stock are respectively charged, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided that this priority shall not affect any claim against the Company or their property, in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company, and which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used or occupied by the Company, for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

47. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock and of all mortgages, at any time after the passing of this Act created and issued or granted by the Company, under this or any subsequent Act, shall, subject to the provisions of any subsequent Act, rank *pari passu* as against the undertaking upon which such debenture stock and mortgages are charged (without respect to the dates of the securities, or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised), and shall have priority over all principal moneys secured by such mortgages and charged upon the same undertaking.

Power to  
create de-  
benture  
stock.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

48. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes of this Act to which capital is properly applicable.

Application  
of moneys.

49. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

First  
meeting.

50. The quorum to constitute an ordinary general meeting of the Company shall, until some part of the water capital of the Company is issued, be not less than seven shareholders, holding themselves or as proxies in the aggregate not less than two thousand pounds nominal value in the capital of the Company, and thereafter such quorum shall be not less than seven shareholders, holding as

Quorum of  
meetings.

A.D. 1888. — aforesaid in the aggregate not less than two thousand pounds nominal value in the gas capital, and two thousand pounds nominal value in the water capital, of the Company.

Extra-ordinary meeting convened by shareholders.

**51.** The number of shareholders who may require an extraordinary meeting to be convened shall not be less than seven holding in the aggregate not less than two thousand pounds in the capital of the Company; and the quorum to constitute an extraordinary general meeting shall be the same as in the case of an ordinary general meeting, except that if such extraordinary meeting is called for business relating exclusively to either the gas or the water undertaking of the Company, the quorum may be seven shareholders holding as aforesaid in the aggregate not less than two thousand pounds nominal value in the capital of the undertaking to which such business relates.

Scale of voting.

**52.** At all meetings of the Company every shareholder shall, subject to the provisions of this Act, have one vote in respect of each entire share, or of each portion of stock of the nominal amount of ten pounds in the capital of the Company held by him: Provided always that except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

Right of voting.

**53.** After any part of the water capital of the Company has been issued, no holder of shares or stock in the gas capital of the Company shall be entitled to vote in respect thereof at meetings of the Company on matters which, in the opinion of the chairman of the meeting, relate exclusively to the water undertaking of the Company; and in like manner no holder of shares or stock in the water capital of the Company shall be entitled to vote in respect thereof at meetings of the Company on matters which, in such opinion as aforesaid, relate exclusively to the gas undertaking of the Company; but nothing in this section shall be held to prevent any holder of shares or stock from voting upon the election of directors, and any other matters affecting the affairs of the Company generally.

Number of directors.

**54.** The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

**55.** The qualification of a director, until some part of the water capital is issued, shall be the possession in his own right of not less than one hundred pounds in the capital of the Company, and thereafter the possession as aforesaid of not less than fifty pounds in the gas and fifty pounds in the water capital of the Company.

**56.** The quorum of a meeting of directors shall be a majority of the total number of directors for the time being. A.D. 1888.

**57.** Henry Linaker, John Robinson, James Handley, Job Wilson Rothwell, and William Whittaker shall be the first 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, or may elect a new body of directors, or directors to supply the places 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 to be held every year after the first ordinary meeting, the shareholders present, in person or by proxy, shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

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Quorum of  
directors,  
First  
directors.

**58.** The auditors need not hold shares in the Company, and no auditor shall, without the consent of the Company, employ at the expense of the Company any accountant or other person for the purposes of any audit.

Auditors not  
required to  
hold shares.

**59.** Subject to the provisions of this Act, the Company may, for the purposes of the gas undertaking, enter upon, take and use all or any of the lands described in Part III. of the schedule to this Act, defined on the deposited plans and described in the deposited book of reference.

Power to  
take lands.

**60.** Subject to the provisions of this Act, the Company may from time to time hold, use, maintain, alter, improve, enlarge, extend, and renew the gasworks and works for storing gas, and for the manufacture and conversion of residual products, of the Limited Company, upon the lands described in Part I. of the schedule to this Act, or any part thereof, and may from time to time, on any of the lands described in Parts I. and III. of such schedule, or on any part thereof, erect, make, lay down, and from time to time maintain, alter, improve, enlarge, extend or renew additional and other gasworks, retorts, gas holders, receivers, purifiers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stop-cocks, machinery, apparatus, works, and conveniences, and may do all such acts as they think proper for making and storing gas, and for supplying gas within the limits of this Act, and for the manufacture, conversion

Powers as to  
construction  
and main-  
tenance of  
gasworks.

A.D. 1888. — and storing of coke, and other residual products obtained in the manufacture of gas and matters producible therefrom, and may make, convert, store and supply gas and residual products on and from such lands accordingly, and may make, supply, and deal in meters, gas engines, fittings, stoves, ranges, tubes, pipes, burners, and other articles and things in any way connected with gasworks or with the supply of gas, as they may from time to time think fit.

Powers as to maintenance and construction of works for storing gas.

**61.** The Company may, subject to the provisions of this Act, from time to time hold, use, maintain, alter, improve, enlarge, extend, or renew the works of the Limited Company, for storing gas and residual products as aforesaid, upon the lands described in Part II. of the schedule to this Act, and may upon such lands erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, or renew additional works for the storing of gas and residual products as aforesaid, and may accordingly store and supply gas and residual products upon and from such lands; but they shall not erect any works thereon for the manufacture or conversion of gas or residual products.

Power to take licenses.

**62.** Subject to the provisions of this Act, the Company may (but only for the purposes of the Company within their limits of supply, and not so as to acquire an exclusive right therein) contract for, take and use any leave, license, or authority to work, use, exercise, or put in practice any invention under any letters patent, heretofore made or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the manufacture or distribution of gas, or the conversion or utilisation of the products obtained from the manufacture of gas or the materials used therein.

Power to lay pipes against buildings.

**63.** The Company, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus, from any main or branch pipe, into, through, or against such building for the purpose of lighting it, and may, with the like consent, provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time, with the like consent, repair, replace, alter, discontinue and remove any such pipe, branch, or apparatus.

Price of gas. Dividend dependent on price charged.

**64.** The standard price to be charged by the Company for gas supplied by them shall be at the rate of four shillings and seven pence for every one thousand cubic feet of gas supplied within a radius of one mile from the present gasworks of the Limited Company, described in Part I. of the schedule to this Act; and at the rate of five shillings for every one thousand cubic feet supplied

beyond such radius: Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price, subject to a reduction or increase in the dividend payable by the Company upon the ordinary gas capital, as follows:—

In respect of any year ending the thirty-first day of December during which the price charged by the Company shall have been one penny or more above the standard price, the dividend payable by the Company shall, in respect of each penny by which the standard price shall have been increased, be reduced below the standard rate of gas dividend by five shillings on every one hundred pounds of ordinary paid-up gas capital, and so in proportion for any fraction of one hundred pounds;

And in respect of any year ending as aforesaid during which the price charged by the Company shall have been one penny or more below the standard price, the dividend payable by the Company may, in respect of each penny by which the standard price shall have been reduced, be increased above the standard rate of gas dividend by five shillings on every one hundred pounds of ordinary paid-up gas capital, and so in proportion for any fraction of one hundred pounds.

65. The prescribed number of candles shall be fifteen.

Quality of gas.

66. Within one year from the passing of this Act a testing place shall be provided upon some part of the works or lands of the Company.

Testing place.

67. The prescribed burner shall be Sugg's London Argand burner, number one, with a six inch by one and three-quarter inch glass chimney outside measure; but if at any time and so long as the gas flame rises above the top of that glass, a six inch by two inch chimney outside measure shall be used, or any other burner or chimney approved for this purpose by the Board of Trade.

Burner.

68. All gas supplied by the Company, to any consumer of gas, shall be supplied at such pressure as to balance, from midnight to sunset, a column of water not less than six-tenths of an inch, and from sunset to midnight not less than eight-tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any gas examiner, appointed under the Gasworks Clauses Act, 1871, may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage or place, not being the immediate approach to any railway bridge or railway station, vested in or under the control of any local or road authority; and the provisions of the Gasworks Clauses Act, 1871, with reference to the testing of gas and

Pressure of gas.

A.D. 1888  
—

to penalties, shall, *mutatis mutandis*, apply to such testing of pressure; and two hours' previous notice shall be given to the Company of the time and place at which such testing shall be conducted.

Power to  
make water-  
works.

**69.** Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works hereinafter described, and may enter upon, take and use such of the lands delineated on the said plans, and described in the deposited book of reference, as may be required for that purpose.

The works hereinbefore referred to, and by this Act authorised to be made and maintained, are :—

1. A well and bore-hole and pumping station, with pumping engines, engines and boiler house, chimney, and all other necessary works, buildings and conveniences, situate near the town of Frodsham, in the parish of Frodsham, in a field belonging or reputed to belong to Henry Linaker, in the occupation of Mary Forster, and numbered 206 on sheet XXIV., 16, of the  $\frac{1}{2500}$  Ordnance survey, 1873, for the parish of Frodsham;
2. An aqueduct or line of pipes (No. 1), to be situate in the said parish of Frodsham, commencing at the said well and bore-hole and pumping station above described, and terminating in the low service or Overton Reservoir, hereinafter described, at the north-east angle thereof;
3. A low service rectangular reservoir, to be called the Overton Reservoir, and to be situate in the said parish of Frodsham, at or near the south-east end of the field belonging or reputed to belong to and in the occupation of Mrs. Martha Aston, and numbered on the said Ordnance survey 334, in the township of Frodsham, and 216 in the township of Frodsham Lordship;
4. An approach road, to be situate in the said parish of Frodsham, commencing by a junction with Townfield Lane, at a point about three hundred and nineteen yards eastwards of the entrance gate to the vicarage of Frodsham, and terminating at the south-west corner of the said field, numbered 334, in the said township of Frodsham, and 216 in the said township of Frodsham Lordship;
5. An aqueduct or line of pipes (No. 2), to be situate in the said parish of Frodsham, commencing by a junction with the said aqueduct or line of pipes (No. 1) at a point about forty-four yards eastwards of the north-west corner of the said field, numbered 334, in the township of Frodsham, and 216

- in the township of Frodsham Lordship, and about one hundred and twenty-four yards northwards of the south-west corner of that field, and terminating in a well or tank to be situate in the south-east corner of the said field;
6. An aqueduct or line of pipes (No. 3), to be situate in the said parish of Frodsham, commencing at a pond in the north-west corner of a field, forming part of the glebe of the vicarage of Frodsham, in the occupation of John Pollard, and numbered 333 on the said Ordnance survey, and terminating in the Overton Reservoir, at the north-west angle thereof;
  7. An aqueduct or line of pipes (No. 4), to be situate in the said parish of Frodsham, commencing by a junction with the aqueduct or line of pipes (No. 5), hereinafter described, at a point in the Main Street of the town of Frodsham, at the junction of Church Street with Main Street, and terminating in the Overton Reservoir, at the south-east angle thereof;
  8. An aqueduct or line of pipes (No. 5), to be situate in the parishes of Frodsham and Runcorn, commencing at a point on the highway leading from Chester to Warrington, about three hundred and ninety yards south-westwards of the south-west corner of the station master's house at the Helsby and Alvanley station on the West Cheshire Railway, and terminating at a point on the same road, about two hundred yards north-eastwards of the centre of the bridge carrying that road over the River Weaver, known as Frodsham Bridge;
  9. A high service reservoir, to be called the Beacon Reservoir, and to be situate in the said parish of Frodsham, at the southern end of the field or enclosure on Beacon Hill, belonging or reputed to belong to Edward Abbott Wright, numbered 8 on sheet XXXII. 1 of the  $\frac{1}{2500}$  Ordnance survey, 1873, for the said parish of Frodsham;
  10. An aqueduct or line of pipes (No. 6), to be situate in the said parish of Frodsham, commencing in the Beacon Reservoir, on the north-east side thereof, and terminating in the Overton Reservoir, at the south-east angle thereof;
  11. An aqueduct or line of pipes (No. 7), to be situate in the parish of Frodsham, commencing at a point in the highway at or near the junction of the roads in the village of Alvanley, opposite Green Bank Farm House, and about eighty-three yards westwards of the north-west angle of the Church of St. John the Baptist, in Alvanley, and terminating in the Beacon Reservoir, on the south-west side thereof;
  12. An aqueduct or line of pipes (No. 8), to be situate in the said parish of Frodsham, commencing in the Beacon Reser-

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voir, on the south-west side thereof, and terminating by a junction with the said aqueduct or line of pipes (No. 3), at a point in Townfield Lane, about forty-four yards north-eastwards of the north-west corner of the said field, numbered 334, in the said township of Frodsham, and 216 in the said township of Frodsham Lordship;

13. An aqueduct or line of pipes (No. 9), to be situate in the said parish of Frodsham, commencing by a junction with the said aqueduct or line of pipes (No. 7), at a point in the highway in the village of Overton, about nine yards eastwards of the north-east angle of the Ring o'Bells public-house, and terminating at a point in the highway, at or near the junction of the roads in the village of Kingsley, opposite the farm buildings of Kingsley Hall, and about twenty-three yards eastwards of the north-east angle of the post-office;

14. An aqueduct or line of pipes (No. 10), to be situate in the said parish of Frodsham, commencing at a point in the highway in the village of Newton, about one hundred and thirteen yards eastwards of the south-east angle of the Old Manor House, and terminating by a junction with the said aqueduct or line of pipes (No. 9), at a point about one hundred and ninety yards south-eastwards of the south-eastern angle of the Lower House Farm House:

Together with all necessary and proper embankments, walls, fences, tanks, wells, dams, drains, sluices, valves, hydrants, air-valves, cleansing pipes, engines, pipes, buildings, machinery, roads, and other works and conveniences for the collecting, storing and distributing of water by this Act authorised to be taken or used; and the Company may collect, take, use and appropriate, for the purposes of the water undertaking, all such underground streams, springs and waters as can be collected or obtained by or from the well and bore-hole and pumping station by this Act authorised.

Deviation.

**70.** In constructing the waterworks the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown or referred to on the said plans, and may deviate vertically from the levels shown on the deposited sections in the case of the reservoirs to any extent not exceeding two feet upwards and five feet downwards, and in the case of any other work to any extent not exceeding five feet; but the Company shall not, in the exercise of the powers of lateral deviation hereby given, make any embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall, and two feet in addition.

**71.** 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 in respect of lands required for the gas undertaking, and seven years in respect of lands required for the water undertaking. A.D. 1888.  
Period for compulsory purchase of lands.

**72.** In addition to the lands which the Company are by this Act authorised to purchase compulsorily, they may, for any of the purposes of this Act from time to time, by agreement, purchase any additional land within the limits of supply of this Act not exceeding in the whole five acres: Provided that the Company shall not, on any such lands, erect, or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertakings; and that no land shall be used for the purpose of manufacturing or converting gas or residual products except the lands described in Parts I. and III. of the schedule to this Act. Power to acquire additional lands by agreement.

**73.** The Company shall not, under the powers of this Act, without the consent of the Local Government Board, purchase or acquire in any city or borough or other urban sanitary district, or in any parish or part of a parish, not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last, were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Provision as to labouring class houses.

For the purposes of this section the expression "labouring class" includes mechanics, artisans, labourers and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

**74.** If the waterworks authorised by this Act, and shown on the deposited plans, are not completed within eight years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for executing the same or in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed, but nothing herein shall restrict the Company from altering or renewing any of their works, from time to time as occasion requires, for supplying water within the limits of this Act. Period for completion of works.

**75.** The following provisions for the protection of the London and North Western and Great Western Railway Companies (hereinafter referred to as the two Companies), and of the London and North For the protection of the London and North

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Western  
and Great  
Western  
Railway  
Companies.

North Western Railway Company (hereinafter separately referred to as the North Western Company), shall have full force and effect, and be binding upon the Company and their assigns:—

The aqueducts or lines of pipes Nos. 1, 4 and 5 by this Act authorised, so far as the same shall be over, across, or under the tunnel and bridges of the Birkenhead Railway, belonging jointly to the two Companies, and for twenty feet on each side thereof, shall be constructed according to plans and sections, and of such materials and dimensions as shall be reasonably approved by the engineer for the time being of the Birkenhead Railway, and shall not be deviated from the line or levels shown upon the deposited plans and sections without the consent of such engineer;

In laying down or in executing the repairs or renewals of any mains, pipes or other works of the Company for the supply of gas or water within the limits of this Act, or in the removal or alteration thereof upon, across, over, under, or in any way affecting the railways, stations, tunnels, bridges, approaches or other works, lands or property now or hereafter belonging to or used by the two Companies or the North Western Company, the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the Birkenhead Railway, or of the principal engineer of the North Western Company, as the case may be, and according to such plans, and in such manner as shall be previously submitted to and reasonably approved by such engineers, and by and at the expense in all things of the Company, who shall restore and make good the roads over any bridges and approaches which the two Companies or the North Western Company are or may be liable to maintain, and which may be disturbed or interfered with by or owing to any works or operations of the Company;

If by reason of any works or proceedings of the Company or of their workmen, or of the failure, leakage or bursting of any works or pipes of the Company in, under, or near to any tunnel, bridge, or level crossing, the said railways, tunnels, bridges or approaches thereto, or any of the works thereof, shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their expense and to the reasonable satisfaction of such engineers, as the case may be, and in the event of their failing so to do, or in case of emergency, the two Companies or the North Western Company may make good the same, and recover the reasonable expense thereof from the Company, with full costs, by all and the same means as any simple contract debt is recoverable; and the Company shall

also make good and repay to the two Companies and the North Western Company any loss, damage or expenses which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works;

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Any dispute or difference with respect to the true intent and meaning of this enactment, or with respect to the mode of giving effect thereto, shall be settled by an engineer to be appointed (on the application of either party) by the President for the time being of the Institution of Civil Engineers.

**76.** Any pipes to be laid down or works constructed by the Company under, over, or in such close proximity as to affect any railway or works of the Cheshire Lines Committee shall (except in case of accident or emergency) be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Cheshire Lines Committee, and in accordance with plans to be from time to time approved by such engineer and the engineer of the Company, or in the event of difference, by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party.

For the protection of the Cheshire Lines Committee.

**77.** Whereas the justices of the peace for the county palatine of Chester (hereinafter referred to as "the said justices") have jurisdiction over and are entrusted with powers and duties for the construction and maintenance of a certain bridge, together with the approaches thereto on either side, called Frodsham Bridge and Sutton Causeway, and which are situate partly in the township and parish of Frodsham, and partly in the township of Sutton in the parish of Runcorn, and which said bridge and causeway, together with the approaches thereto, are in this section hereinafter referred to as "the said bridge": Therefore, the following provisions for the protection of the said justices shall, notwithstanding anything to the contrary contained in this Act, or shown on the deposited plans and sections, have effect, unless otherwise agreed on in writing (that is to say):—

For the protection of the justices of the county palatine of Chester.

(1.) The aqueduct or line of pipes No. 5 on the deposited plans of works to be authorised by this Act shall be carried, unless otherwise agreed between the said justices and the Company, across the said bridge, by being carried along and under the side of the roadway of the said bridge, at such a level that the top of the said aqueduct or line of pipes shall not be more than two feet below the surface of the roadway over the said bridge;

(2.) The size of the said aqueduct or line of pipes to be carried across the said bridge shall not be of any greater dimensions

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than six inches internal diameter, and shall be of such materials, quality and thickness as the bridgemaster for the time being of the said county of Chester, shall reasonably require ;

(3.) The structure of the said bridge, including the arches, parapet, wing walls and abutments, shall not in any way be interfered with by any of the works by this Act authorised, or by any renewals of such works ;

(4.) All works by this Act authorised affecting the said bridge shall be executed by the Company at their own cost, and to the satisfaction of such bridgemaster as aforesaid, and shall be maintained and renewed by the Company so as not to cause any interruption to the passage or conduct of the traffic over such bridge, and the Company shall also, at their own cost, make good and repair all and so much of the road over the said bridge as may be disturbed or interfered with by or owing to any operations of the Company, and in case they shall fail duly and promptly to execute such maintenance, repairs and renewals, the said justices may make and do all such works and things as they the said justices may reasonably think requisite in that behalf, and the sum certified by such bridgemaster to be the reasonable amount of such their expenditure shall be repaid to the said justices by the Company, and in case of non-payment may be recovered from them, together with full costs, by all and the same means as any simple contract debt of the like amount is recoverable ;

(5.) If by reason of any works or proceedings of the Company, or of their contractors or workmen, or the failure, leakage or bursting of any works or pipes of the Company on, under, through, or near the said bridge, the said bridge shall be injured or damaged, such injury or damage shall be forthwith made good by the Company at their own expense, to the satisfaction of such bridgemaster ; and in the event of their failing so to do, the said justices may make good the same, and recover the cost thereof with full costs in manner aforesaid ;

(6.) Whenever and so often as the said justices shall require to widen, lengthen, strengthen, reconstruct, alter or repair the said bridge, and shall find it necessary for effecting any of such purposes that the aqueduct, line of pipes or other works of the Company shall be altered or diverted, then, upon receipt of fourteen days' notice from such bridgemaster requiring such alteration or diversion, such aqueduct, line of pipes or other works shall be altered or diverted accordingly, by and at the expense of the Company ; and if after the receipt of such notice as last aforesaid the Company refuse or neglect to alter or divert

the said aqueduct, line of pipes or other works, the said justices may cause the same to be altered or diverted, and recover the amount occasioned by such alteration or diversion, together with full costs, in the manner aforesaid. A.D. 1888.

**78.** Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, privilege or authority, not being an easement of water, required for the purposes of this Act, in, over or affecting any such lands; and the provisions of the said Acts, with respect to lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, privileges and authorities aforesaid respectively. Power to take easements, &c., by agreement.

**79.** The Company may, from time to time, subject to the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands, sell or lease any lands vested in or acquired by them which may not be required for the purposes of the Company. Company may sell or lease lands not required.

**80.** On the sale by the Company of any lands, they may reserve to themselves all or any part of the water or water rights, mineral or mineral rights, or other easements belonging thereto, and may make the sale subject to such reservations accordingly, and may also make any such sale subject to such other reservations, special conditions, restrictions and provisions with respect to use of water, exercise of noxious trades, or mineral rights, or discharge or deposit of manure, sewage, or other impure matter as they think fit. Reservation of water rights, &c., on sale.

**81.** The water to be supplied by the Company shall be constantly laid on under pressure, but the Company shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken. Constant supply and pressure.

**82.** The Company shall, on the application of the owner or occupier of any dwelling-houses or premises who, under the provisions of this Act, shall be entitled to demand a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates hereinafter specified (that is to say):— Rates at which water is to be supplied for domestic purposes.

Where the rateable value of the premises so supplied with water, including the curtilage and outbuildings appurtenant thereto, shall not exceed eight pounds, at a rate not exceeding two-pence per week;

A.D. 1888.

Where the rateable value of the premises as aforesaid shall exceed eight pounds, and shall not exceed forty-five pounds, at a rate per centum per annum not exceeding ten pounds on such rateable value ;

Where the rateable value of the premises as aforesaid shall exceed forty-five pounds, and shall not exceed sixty-five pounds, at a rate per centum per annum not exceeding nine pounds on such rateable value ;

Where the rateable value of the premises as aforesaid shall exceed sixty-five pounds, at a rate per centum per annum not exceeding eight pounds on such rateable value :

Rates for  
water-  
closets, &c.

In addition to the rates above specified, the Company may charge for a supply of water to every water-closet beyond the first the sum of five shillings per annum, and to every fixed bath capable of holding more than twenty gallons of water and to every urinal the sum of ten shillings and sixpence per annum :

Provided always, that where the premises are situate at such a level that they can by gravitation be supplied from the Beacon or high service Reservoir only, the rates chargeable by the Company shall be one-third higher than the rates above mentioned :

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate accrues, or if there is no such list in force, by the last rate made for the relief of the poor : Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate, such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid, the apportionment, in case of dispute, to be determined by two justices.

Company  
need not  
supply  
certain baths.

**83.** The Company shall not be compelled to supply with water any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Power for  
Company to  
supply water  
for other  
than domestic  
purposes by  
measure.

**84.** Subject to the provisions of this Act, the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit, and may enter into agreements for the supply of water by measure, either for domestic or other purposes : Provided that such supply for other than domestic purposes do not interfere with the supply for domestic purposes.

Regulations  
for prevent-  
ing waste of  
water.

**85.** For the purpose of preventing the waste, misuse, or contamination of water, the Company may from time to time by regulations prescribe the size, nature, materials, workmanship and strength of the pipes, cocks, ferrules, valves, soil-pans, water-closets,

baths, cisterns, and other apparatus or receptacles to be used, and may forbid any arrangements and the use of the several things before mentioned, or any or either of them which may lead to such waste, misuse, or contamination. A.D. 1888.

**86.** No such regulations shall be of any force or effect unless and until the same shall have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to confirm the same: And no such regulations shall be confirmed until after the expiration of one month after notice in writing of the intention to submit the same for confirmation, together with a copy of the proposed regulations, shall have been given by or on behalf of the Company to the local authorities, within the limits of supply, who may, within the said period of one month, make such representation with reference thereto to the Local Government Board as such authorities shall think expedient; and during such period a copy of the proposed regulations shall be kept at the office of the Company, and be open during office hours to the inspection of all persons locally interested, without fee or reward; and a copy thereof or extracts therefrom shall be furnished to such persons by the Company on payment of sixpence for every one hundred words contained in such copy or extract. Confirmation of regulations.

**87.** All such regulations in force for the time being shall be published by a copy thereof being kept at the office of the Company. All persons may, at all reasonable times, inspect such copy without payment, and the Company shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same, on payment of a sum not exceeding sixpence for each copy. Publication of regulations.

**88.** A printed copy of any such regulations as aforesaid, and purporting to be made as aforesaid, and to have been confirmed by the Local Government Board, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, publication and existence of such regulations, without further or other proof. Evidence of regulations.

**89.** In case of failure of any person to observe such regulations as are for the time being in force, the Company may, notwithstanding any contract or otherwise, if they think fit, and after giving notice in writing, enter upon the premises, and by and under the direction of their duly authorised officer, alter, replace or repair any pipe, valve, cock, cistern, bath, soil-pan, water-closet, and other apparatus, receptacle, fitting or appliance used by such person, and the expense of such repair, replacement and alteration shall be repaid to the Company may repair pipes of customers.

A.D. 1888. — Company by the person so failing as aforesaid, and the Company may recover the same summarily in a court of competent jurisdiction.

Penalty for breach of regulations.

**90.** Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Company or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence, and to a further daily penalty not exceeding forty shillings for each day or part of a day such offence shall occur after conviction thereof, and the Company may, in addition thereto, recover the amount of any damages sustained by them.

Disputes to be determined by justices.

**91.** In the event of any dispute between the Company and any customer or intending customer, as to the fact or extent of any alleged non-compliance with any such regulations, such dispute shall be referred to the determination of two justices, whose decision thereon, and as to the amount of costs (if any) of or incident to such dispute and the determination thereof, and by whom such costs are to be paid, shall be final and conclusive.

As to supply of water by meter and by agreement.

**92.** No person shall be entitled to require, nor shall the Company be bound to supply any dwelling-house with water (otherwise than by meter or by special agreement) when any part of such dwelling-house is used by the tenant or occupier of such dwelling-house for any trade or business purpose for which water is required.

Company not bound to supply several houses by one pipe.

**93.** The Company shall not be bound to supply more than one house by means of the same service pipe, but they may, if they think fit, require that a separate service pipe be laid into each house supplied by them with gas or water.

Service pipes.

**94.** All fittings connected with any service pipe communicating with the mains and pipes of the Company shall be placed and removed under the superintendence and in accordance with the bye-laws of the Company, but no persons (other than the Company's servants) shall tap any main or pipe of the Company.

Notice to Company of putting up meters, &c.

**95.** Before any person connects or disconnects any meter through which any of the water or gas of the Company is intended to be or has been registered, he shall give not less than seven days' notice in writing to the Company of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to sell or let meters.

**96.** The Company may from time to time sell and dispose of gas and water meters, or let meters on hire, upon and subject to such terms (pecuniary or otherwise) and conditions as the Company think fit.

**97.** If any person is required by the Company to give them security for the payment of the price or rent of a meter, the Company shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

A.D. 1888.

Company to pay interest on money deposited as security for meter.

**98.** Where water is supplied by measure, the meter to be used shall be approved by the Company, and the register of the meter shall be *primâ facie* evidence of the quantity of water consumed.

Register of meter to be *primâ facie* evidence.

**99.** In all cases in which the Company are authorised to cut off the pipe, or stop or discontinue the supply of gas to any premises, the Company, their agents and workmen, may, for that purpose and after giving notice as herein provided, enter into any premises through which such pipe or supply passes, between the hours of nine in the forenoon and four in the afternoon.

Entry on premises to cut off supply.

**100.** Any notice to be given by the Company previously to making any entry authorised by this Act shall be in writing under the hand of the secretary or other officer of the Company, and shall be given or served in manner following (that is to say):—

Notice before entry.

If such premises be occupied, then by leaving the notice thereat, or by delivering the same to the occupier thereof, twenty-four hours at least previously to such entry ;

If such premises be unoccupied, and the owner thereof and his usual place of abode be in England and be known to the Company, then by delivering the notice to such owner, or by leaving the same at his usual place of abode, or by sending the same by post in a registered letter addressed to him at his usual place of abode, forty-eight hours at least previously to such entry ;

If such premises be unoccupied, and the owner thereof, or his usual place of abode be not in England, or be not known to the Company after due inquiry, then, by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And, for the purposes of this section, any person receiving the rack rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

**101.** The Company shall not be entitled to require from the incoming tenant of any property the payment of arrears of water rent, gas rent, or meter 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.

Incoming tenant not liable for arrears.

A.D. 1888.

Notice of  
discontinu-  
ance.

Contracts for  
supplying  
water and  
gas in bulk.

Supply with-  
in limits of  
Act not to be  
interfered  
with by sup-  
ply for other  
purposes.

For protec-  
tion of the  
Runcorn,  
Weston and  
Halton  
Waterworks  
Company.

Liability to  
rents not to  
disqualify  
justices, &c.

Contents of  
summons,  
&c.

Costs of  
distress.

Penalties not  
cumulative.

Costs of Act.

**102.** A notice to the Company from a consumer, for the dis-  
continuance of a supply of water or gas, shall not be of any effect,  
unless it be in writing and be left at the office for the time being of  
the Company.

**103.** Subject to the provisions of this Act, the Company may,  
from time to time, enter into and carry into effect agreements with  
any sanitary authority or company for the supply by the Company  
of water or gas to any such sanitary authority or company  
respectively, in bulk within or beyond the limits of this Act; and  
the agreements respectively may be for such times and for such  
remuneration and on such terms and conditions whatsoever as the  
contracting parties think fit; but no such agreement shall disqualify  
any person who may be a member of any such sanitary authority  
or company from becoming or remaining a director of the Company.

**104.** Notwithstanding anything in this Act contained, the  
Company shall not supply water in bulk to any sanitary authority  
or company, beyond the limits of this Act, if and so long as the  
affording such supply would prevent the Company from giving a full  
and efficient supply for all purposes within the limits of this Act.

**105.** Notwithstanding anything to the contrary in this Act  
contained, the Company shall not directly or indirectly supply water  
within or so as to be used within the limits for the supply of water  
authorised by the Runcorn, Weston and Halton Waterworks Act,  
1865.

**106.** No justice or judge of any court shall be disqualified from  
acting in the execution of this Act by reason of his being liable to  
the payment of any gas rent, water rent, meter rent, rate or charge  
under this Act.

**107.** Any summons or warrant issued for any of the purposes of  
this Act may contain in the body thereof, or in a schedule thereto,  
several sums.

**108.** Any justice who issues a warrant of distress for any of the  
purposes of this Act, may order that the costs of the proceedings for  
the recovery of the money to be levied be paid by the person liable  
to pay such money, and in that case such costs shall be ascertained  
by the justice, and shall be included in the warrant of distress.

**109.** Penalties imposed under this Act, and the Acts wholly or  
in part incorporated herewith, for one and the same offence, shall  
not be cumulative.

**110.** All costs, charges and expenses preliminary to, and of and  
incident to, the applying for, preparing, obtaining and passing of  
this Act, and otherwise in relation thereto, shall be paid by the  
Company.

The SCHEDULE referred to in the foregoing Act.

A.D. 1888.

### PART I.

A piece of land belonging, or reputed to belong, to the Limited Company, in the township and parish of Frodsham, bounded on the north-east by an occupation road running from the Gasworks Road to the field numbered 116 on sheet XXIV., 15, of the  $\frac{1}{2500}$  Ordnance Survey, 1873, for the said parish of Frodsham; on the north-west by land belonging, or reputed to belong, to John Higson; on the south-west partly by land belonging, or reputed to belong, to John Ashton, and partly by an occupation road running from the main street of Frodsham to the field numbered 167 on the said Ordnance Survey; and on the south-east partly by the bowling green belonging to the Bear's Paw Hotel, and partly by gardens belonging, or reputed to belong, to Halstead Clough.

### PART II.

A piece of land belonging, or reputed to belong, to the Limited Company, in the township or parish of Frodsham, bounded on the north-west by Ship Street; on the south-west by Plumbton Lane; on the south-east by certain gardens belonging, or reputed to belong, to William Hayes Pickering, Mrs. Margaret Ashton, and John Robinson respectively; and on the north-east by land belonging, or reputed to belong, to William Hayes.

### PART III.

A piece of land in the township and parish of Frodsham, belonging, or reputed to belong, to John Higson, and adjoining the present site of the Limited Company's gasworks in Gasworks Road, and bounded on the south-east by the said present site of the Limited Company's gasworks; on the south-west by land belonging, or reputed to belong, to John Ashton; on the north-east by an occupation road running from the Gasworks Road to the field numbered 116 on sheet XXIV., 15, of the  $\frac{1}{2500}$  Ordnance Survey, 1873, for the parish of Frodsham; and on the north-west by other lands belonging, or reputed to belong, to the said John Higson.

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